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25th September, 1954 (Saturday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

(*Vol. VII contains Nos.* 16—31)

LOK SABHA SECRETARIAT
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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Agenda No. 52.274
Date: 27.11.2014

LOK SABHA

Saturday, 25th September, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QEUSTIONS AND ANSWERS

(*No Questions: Part I not published*)

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF DAMODAR VALLEY CORPORATION—(PART TWO)

Mr. Speaker: There is no Question-Hour today. No questions. Papers to be laid on the Table.

The Deputy Minister of Planning (Shri S. N. Mishra): With your permission, I beg to lay on the Table, on behalf of Shri Gulzarilal Nanda, a copy of the Annual Report of the Damodar Valley Corporation (Part Two), 1951-52, under sub-section (5) of section 45 of the Damodar Valley Corporation Act, 1948. [*Placed in Library. See* No. S-360/54.]

DECISIONS ON RECOMMENDATIONS CONTAINED IN DAMODAR VALLEY CORPORATION ENQUIRY COMMITTEE REPORT

The Deputy Minister of Planning (Shri S. N. Mishra): I beg to lay on the Table, on behalf of Shri Gulzarilal Nanda, a copy of the statement containing Decisions on Recommendations Nos. 73 to 75, 78 to 81 and 88 to 91 of Chapter VIII of the Damodar Valley Corporation Enquiry Committee Report, laid on the Table on the 21st May, 1954. [*Placed in Library. See* No. S-361/54.]

MESSAGES FROM THE RAJYA SABHA

Secretary: Sir, I have to report the following three messages received from the Secretary of the Rajya Sabha:—

(I) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 23rd September, 1954, agreed without any amendment to the Chandernagore (Merger) Bill, 1954, which was passed by the Lok Sabha at its sitting held on the 20th September, 1954."

(II) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 24th September, 1954, has passed the following motion further extending the time for presentation of the Report of the Joint Committee of the Houses on the Hindu Marriage and Divorce Bill, 1952:—

MOTION

'That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus be further extended upto the last day of the first week of the next session.' "

(III) "In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok

[Secretary]

Sabha, that the Rajya Sabha, at its sitting held on the 23rd September, 1954, agreed to the following amendments made by the Lok Sabha at its sitting held on the 17th September, 1954, in the Special Marriage Bill, 1954:—

1. That at page 1, line 1, for 'Our Republic' substitute 'the Republic of India'.

2. That at page 3, for line 6, substitute:

'(c) the male has completed the age of twenty-one years and the female the age of eighteen years;'

3. That at page 3, lines 16 and 17, for 'fourteen' substitute 'thirty'.

4. That at page 6, for lines 13 to 16, substitute:

'(e) the parties are not within the degrees of prohibited relationship:

Provided that in the case of a marriage celebrated before the commencement of this Act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits of a marriage between the two; and'.

5. That at page 6, after line 47, add:

'Provided that nothing contained in this section shall be construed as conferring upon any such children any rights in or to the property of any person other than their parents in any case where, but for the passing of this Act, such children would have been incapable of possessing or acquiring any such rights by reason of their not being the legitimate children of their parents'.

6. That at page 7, line 19, add at the end:

'and for the purposes of this section that Act shall have effect as if Chapter III of Part V (Special Rules for Parsi Intestates) had been omitted therefrom'.

7. That at page 7, after line 35, insert:

'and the court on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly'.

8. That at page 8, after line 46, add:

'Provided that nothing contained in this section shall be construed as conferring upon any child of a marriage which is declared to be null and void or annulled by a decree of nullity any rights in or to the property of any person other than the parents in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents'.

9. That at page 9, line 20, for 'five years' substitute 'three years'.

10. That at page 9, line 22, for 'five years' substitute 'three years'.

11. That at page 9, line 26, for 'five years' substitute 'three years'.

12. That at page 9, (i) line 38, omit 'or'; and (ii) omit lines 39 to 41.

13. That at page 9, after line 44, insert:

"27A. *Divorce by mutual consent.*—(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live

together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than one year after the date of the presentation of the petition referred to in sub-section (1) and not later than two years after the said date, if the petition is not withdrawn in the meantime, the district court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of the dceree.'

14. That at page 10, line 4, for 'the marriage' substitute:

'entering the certificate of marriage in the Marriage Certificate Book'.

15. That at page 11, after line 16, insert:

'(bb) when divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence; and".

16. That at page 11, (i) line 8, after 'decrees—' insert '(1)'; and (ii) after line 24, add:

'(2) Before proceeding to grant any relief under this Act it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties'.

17. That at page 13, line 45, omit 'truth of the '.

18. Consequential amendments adopted at the Third Reading stage—

(i) That the re-numbering and re-lettering of the clauses and sub-clauses consequential on the amendments made by the House be carried out together with corrections of cross-references;

(ii) that the various definitions in clause 2 be re-arranged according to alphabetical order; and

(iii) that the word 'and' occurring in clause 16 at page 6, line 26, be omitted."

ELECTION TO COMMITTEE

PUBLIC ACCOUNTS COMMITTEE

Shri B. Das (Jajpur-Keonjhar): I beg to move:

"That the members of this House do proceed to elect, in the manner required by sub-rule (3) of Rule 238 of the Rules of Procedure and Conduct of Business in the Lok Sabha, one member from amongst their number to serve on the Committee on Public Accounts for the unexpired portion of the year 1954-55 *vice* Shri Khandubhai Kasanji Desai resigned."

Mr. Speaker: The question is:

"That the members of this House do proceed to elect, in the manner required by sub-rule (3) of Rule 238 of the Rules of Procedure and Conduct of Business in the Lok Sabha, one member from amongst their number to serve on the Committee on Public Accounts for the unexpired portion of the year 1954-55 *vice* Shri Khandubhai Kasanji Desai resigned."

The motion was adopted.

Mr. Speaker: I have to inform Members that the following dates have been fixed for receiving nominations and withdrawal of candidatures and for holding election, if necessary, in connection with the

[Mr. Speaker]

Committee on Public Accounts, namely:—

Date for nomination	Date for withdrawal	Date for election
27-9-1954	28-9-1954	29-9-1954

The nomination to the Committee and the withdrawal of candidature will be received in the Parliamentary Notice Office upto 3 P.M. on the dates mentioned for the purpose.

The election, which will be conducted by means of the single transferable vote, will be held in Committee Room No. 62, First Floor, Parliament House between the hours 11 A.M. to 1-30 P.M.

INDIAN TARIFF (SECOND AMENDMENT) BILL—*Concld.*

Mr. Speaker: The House will now take up the clause by clause consideration of the Indian Tariff (Second Amendment) Bill, 1954. The amendments also are there.

Of the total time of seven hours allotted to this Bill, five hours, or to be exact, 4 hours 59 minutes, have been availed of on the consideration motion which was adopted yesterday. As already agreed upon by the House, the clause by clause consideration stage will continue for one hour, i.e., up to about 12 o'clock. Thereafter, the third reading will be taken up and the Bill disposed of at 1 P.M. I think we shall have voting immediately there and then, and then we will proceed further with the other business.

After this Bill, the House will take up consideration of the Administration of Evacuee Property (Amendment) Bill, for which 4 hours have been allotted

We will now proceed further with the Bill. Clause 2, Mr. Nayar.

Clause 2.— (*Amendment of First Schedule to Act XXXII of 1934*)

Shri V. P. Nayar (Chirayinkil): May I seek a clarification Sir? There are only a few amendments. Will the House be discussing all the amendments together, or amendment by amendment?

Mr. Speaker: I think the amendments to clause 2 may be taken together and then the amendments to the Schedule also may be taken together. The only amendments are by the hon. Member Mr. Nayar.

Shri V. P. Nayar: Yes, Sir. The amendments to clause 2 and the amendments to the Schedule are related to each other. They are partially consequential to each other.

Mr. Speaker: Is it his idea that clause 2 and the Schedule should be put together before the House?

Shri V. P. Nayar: Yes.

Mr. Speaker: I have no objection if the hon. Minister agrees.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I have no objection either, Sir.

Mr. Speaker: So, we will take up clause 2 and the Schedule together. He can move all his amendments.

Shri V. P. Nayar: I beg to move:

(1) In page 1, after line 9, insert:

"(a) in column 4, for the heading 'Standard rate of duty' the heading "Rate of duty" shall be substituted;"

(2) In page 1, after line 9, insert:

"(a) column 5 headed 'The United Kingdom' and all entries thereunder shall be omitted;"

(3) In page 1, line 27, for "December 31st, 1958" substitute "December 31st, 1955".

(4) In page 5, line 19, for "100 per cent" substitute "90 per cent".

(5) In page 5, lines 31 to 36, for

"75 per cent. *ad valorem* or Rs. 6,000 per car or cab, whichever is higher" substitute "70 per cent. *ad valorem* or Rs. 5,900 per car or cab, whichever is higher."

One of my amendments seeks to take away the difference between the various types of duty levied—"standard duty" and the "preferential rate of duty"—on articles which are the produce of or manufactures of the United Kingdom or a British colony. I move this amendment because it is possible for me to understand why even at this time a preference to these articles should be shown, in respect of imports from the United Kingdom or a British colony.

I have not been able to gather from any of the documents which have been made available to us or from any of the publications of the Government which I could lay hands upon, how Government could justify at this point of time, a preference being shown to the manufactured goods from U.K. and its colonies. The question of the preference given to British interests has been raised several times in this House, but unfortunately, we have not had a categorical answer. We have not been given any facts or circumstances or figures which could or would justify Government's continuing this preference to manufactures from the United Kingdom and the British colonies. We could have understood if a corresponding advantage has been shown, in which India could have got reciprocal concessions by giving this preference to the British colonies and the United Kingdom. Several times, when we have raised this question, the hon. Minister has either gone away from the point, or has stated that Government are compiling details.

This question came up even in regard to the Indian Tariff (First Amendment) Bill, which we discussed a few days ago. I raised this point specifically, and when, after the hon. Minister had replied, I found that he had not touched this aspect, I put a question again about it. His answer was, "I shall use another occasion to explain". Unfortunately, during the discussion on this Bill, that occasion has not come yet. I do not know what the circumstances and facts are which warrant the consideration of such continued protection being given to manufactures from the United Kingdom and the British colonies.

It is a very easy matter, so far as I could see, because I have here some figures which happen to be the latest which I could get, and which show the nature of the interests involved, as also the extent of the trade with the British colonies and the United Kingdom, for which preferential treatment has been given. I do not know whether Government have brought out other reports which contain the latest figures, but these happen to be the latest, so far as I could lay hands upon. I refer to the Fiscal Commission's Report of 1949-50, in which there is a detailed account of how and to what extent preferences operate.

For the information of the House, I shall read some portions from the Statement on pages 314 and 315 of the Fiscal Commission's Report. This is a statement showing the value of total imports of different preferred articles and the value of imports of those from the United Kingdom in 1938-39 and 1948-49. In 1938-39, 47 per cent. of the chemicals, drugs and medicines of all sorts came from the United Kingdom. The figure remained at 47 per cent. in 1948-49. If you take another article, "cycles, parts of cycles and accessories thereof, excluding rubber tyres and tubes", 90 per cent. of the articles in 1948-49 came from the United Kingdom, while ten years earlier, it was only 80 per cent. If you take electrical instruments, apparatuses and appliances, then again, the figure was only 41 per cent. in 1938-39, but it rose to 70 per cent. in 1948-49. In regard to copper rod, and manufactures of copper of all

[Shri V. P. Nayar]

sorts, only 31 per cent. of the imports came from the United Kingdom in 1938-39, but 88 per cent. came to India in 1948-49 from the United Kingdom. I can multiply examples, but shall not. In regard to barbed or standard wire and rope, it was 82 per cent. in 1948-49.

Here, in this chapter on the working of the Indo-British Trade Agreement, I find that Government estimated in those days that at least ten per cent. of the entire exports were covered by such preferential articles. I would like to know from the hon. Minister how much we lose by showing these preferences. Sir, I ask this question to the Minister. If we do not import these articles from the United Kingdom or any colony of the United Kingdom, then what will be the revenue duties we get? And if we imported them from the United Kingdom or the colonies of the United Kingdom, what will be the revenue duties which we derive from those imports? Unless the answer to these questions is given, I am afraid Government cannot substantiate by any means whatsoever, the continuance of a preferential duty.

We have several times tried to ascertain by putting questions, by raising points in discussion, and by seeking clarifications when the hon. Ministers had replied, to find out the answers to these, but always we have found that whenever a specific question was asked, Government have been either on the defensive or were beating about the bush. I want the hon. Minister to tell us to what extent and to what sum of rupees this preferential duty will be covered and to what extent Government of India will incur a loss, if all these articles which are now provided for in the Schedule are shown a preference, when they are imported from the United Kingdom and its colonies.

Sir, may I speak on all the amendments together?

Mr. Speaker: Yes.

Shri V. P. Nayar: Then, Sir, there is another amendment on the automobile industry. The other day, showed a photograph of a Soviet car which was offered not by the Soviet Union, but by a firm of exporters in Amsterdam. I was surprised to hear after my speech Shri Bansal saying that it was all a story. Well, there are stories which are very real. I shall come to some of them later.

But in the matter of automobiles, I am glad that the hon. Minister of Commerce and Industry has said that at least for purposes of use of his Ministry, he is prepared to order for two cars, and to exploit the possibilities of manufacturing similar types of cars here.

About the present attitude of Government to the automobile industry, I am very much worried. I sat in the Library only day before yesterday and went through all the questions in this Parliament from its very first session, on the automobile industry, and I have here extracted some of the answers. It has been and it may be argued that the automobile industry has to be given all the help by Government. I do not deny that. But what is the present position of the automobile industry? Yesterday, the hon. Minister said that it is not a matter in which the foreigners have control. Maybe, the capital invested by foreigners is only ten or fifteen per cent. but I still hold that the overall control of the manufacturing plants is with the foreigners, in almost every way, so far as we can understand.

You know, Sir, that the automobile manufacturing units in India are not depending upon material from India. Still, Government say that by about the middle of June 1954, the automobile manufacturing units will manufacture about sixty-five per cent. or seventy-five per cent. of all the automobile components. I happen to know details of some of the component parts. I ask the hon. Minister

how long it will take to manufacture cylinder blocks differential gear and crankshafts in this country. I can give the instances of several other parts also, which have to come from outside.

My point is that the automobile industry is tied up with certain British interests, and in some cases with certain American interests. I referred the other day to the fact that the Hindustan Motors is in combination with the Morris group. In answering a question yesterday, the hon. Minister himself said that the Wills Overland Corporation of the U.S.A. is in partnership with the firm Messrs. Mahindra & Mahindra, for the manufacture of jeep. We do not know whether the jeeps manufactured in India will be cent per cent Indian. He did not commit himself to any answer in that regard.

We have been importing Rs. 6 crores or Rs. 7 crores worth of automobiles and spare parts, as given out by the hon. Minister in answer to a question on the 26th August 1954. We also find that Government have had no kind of control for the price-fixing of the automobiles. In answer to another question, the hon. Commerce Minister said, and very categorically too, that Government have at present no idea to control the prices, because they know that the industry is not yielding any profit! I ask, Sir, to whom is the industry not yielding any profit. I say, Sir, there is a combination; a tie-up. If the Hindustan cars are manufactured in the Hindustan Motors factory, almost all the materials necessary, partly manufactured or wholly manufactured, are got down from the Morris concerns in U.K., and the whole profit goes to them. Why should a Hindustan-10 car assembled or made in India at this time cost over Rs. 10,000, when it is well-known that India has the cheapest labour, and when for everything else, every Government help is given. And yet, Government say that this industry is not yielding any profit.

It does yield a profit and that profit is concealed. I do not know how far the Government have made a probe into it. This is a matter which agitates me. At this time, the Government estimate that the overall demand of automobiles in India, including trucks and heavy duty vehicles, will be round about 20,000. If only we are able to reduce the price of cars and trucks and if we are able to get 10 H.P. cars for anything like Rs. 5,000 each, I am sure each Member of Parliament would have a car for himself. The total demand would not have been 20,000 but it would have been 2,00,000. That is a point which Government have missed. And when I say that here is an offer from another country with whom we have a trade agreement which provides for our getting the technical know-how or installing a factory, the spokesman of the biggest interests in India gets up in this House and says that it is a story. I know certain stories, as I told you before.

I know stories about certain representatives who went for the GATT Conference—I am saying this with a full sense of responsibility.—The GATT had come under fire from one side and defended by the other side of the House. In the last GATT conference, India's delegates also participated. I heard at Bombay a real story about some of the GATT representatives who were briefed to go there coming back—and I suppose Mr. Ghamandi Lal Bansal also knows it—unloading their briefs there and filling up their brief cases with very costly 19-jewelled watches. One of them, I understand, declared to the Customs authorities that they were toy watches! I do not wish to....

Shri T. T. Krishnamachari: On a point of order. This is an unsubstantiated statement making a charge on one of the Members of Parliament. Can that be made on the floor of the House?

Shri V. P. Nayar: I never said.....

Shri B. Das (Jajpur-Keonjhar): It is a story.

Shri V. P. Nayar: I never said that any Member of Parliament was involved. I said that one of the Members of Parliament also went for the GATT conference and he may be knowing all about this. But this is a real story that I heard, that at the time when the declaration was made before the Customs, the watches were declared as toy watches. Further....

Mr. Speaker: Order, order. How are we concerned with all this? The only point which he wishes to make—if I understand him correctly—is that foreign interests in this country are trying to do their best to manipulate support in the form of representations from the Indian people in conferences held outside....

Shri V. P. Nayar: Yes, Sir.

Mr. Speaker: That is all. He need not go into further details.

Shri V. P. Nayar: I am satisfied that that is the only point....

Shri T. T. Krishnamachari: I would like to say this. My friend, Mr. Bansal, did make a complaint in regard to non-delivery of goods which were at Customs. The matter was gone into by the Finance Ministry. There was a declaration made and duty has been paid In a matter like this, where it is not merely that the hon. Member behaved in a proper way but he had to come and represent to Government against non-delivery of the goods and the whole matter has been gone into by Government, a statement of this nature, I think, should not be allowed to go unchallenged.

Mr. Speaker: If I understood him correctly, he has not referred to any Member of Parliament specifically.

Shri V. P. Nayar: I know it....

Shri T. T. Krishnamachari: The position, may I submit, is this. He mentioned the name of Mr. Bansal. He also referred to persons who went to the GATT. One of the persons happens to be my colleague, Mr. Karmarkar. Then there was Mr. Bansal and a couple of officials. The whole area is restricted to these four people.

Shri V. P. Nayar: I was saying this with a full sense of responsibility, because I heard it from very reliable quarters in Bombay. I did not name anybody, I did not say who did it, but this was the version I heard. If my friend, Mr. Krishnamachari, says that it is so and so, I do not vouch for it and I do not have any responsibility for that. I only wanted to bring to the notice of this House that when the interests of this country are concerned, and when our representatives go to other places and other conferences, they do not, as a matter of fact, take these aspects into account. On the other hand, they indulge in something else. And I had referred to this because when I gave a photograph and read out an offer, Mr. Bansal referred to it as a story. It was in that connection that I referred to Mr. Bansal, and not in the other context. Mr. Bansal got up and said that it was a story and that the Soviet Union held an exhibition in Bombay and cars were offered at Rs. 25,000 each. I never mentioned that the Soviet Union had offered cars to India direct. It is for the Commerce and Industry Minister to say. I only stated then that a firm which was exporting Soviet cars and which was situated in Amsterdam wrote to an Indian firm that they were prepared to offer this car for a price of $70,000 or so. I do not wish to proceed further on this matter.

Then you will find that the duty on glass beads and false pearls has been increased. I have here a notification, a press cutting from the *Hindustan Times* dated 25th August 1954—I was searching in the Library to get the original notification from the Ministry, but I could not get it—in which I find that the rates of duty on precious stones, cut and uncut, have been reduced from 25 per cent.—what it was in those days—to 5 per

cent. On the other hand, you are increasing the duty on glass beads and false pearls. I hope I am correct. This is a position which I cannot understand. After all you are importing glass beads and false pearls only to the tune of Rs. 5,000 or Rs. 6,000 a month and not more. The import statistics show that it is not very much. You know that false pearls and glass beads are used for ornaments mostly by the lower income groups, while on the other hand, you have reduced the duty on precious stones, cut and uncut. One argument seems to be that uncut stones had been giving some work to India's workers—the diamond cutters. It is said that they had some difficulty and, therefore, in order to promote their interests, the duty on precious stones had been cut. I would like to know from the Commerce and Industry Minister how many of these diamond cutters represented to the Government of India that because there was 20 per cent. duty on diamonds, their work was suffering. The point is that the duty on an article which is to be consumed by the ordinary people, by the common man, on such an article the duty is raised. We could have understood it if the local industry was suffering very much. I do not stand for reducing the duty on false pearls or glass beads or making their entry free of duty at all. But we all know that in the matter of diamonds and cut and uncut stones, the people who use them are not the common people. They always go to the richest class who can afford to buy them. Even if the duty was enhanced cent per cent, you will find that the richest people will go in for diamonds. So why should Government, on the one hand, reduce the duty on diamonds and precious stones, cut and uncut, and on the other, increase the duty on glass beads and false pearls? This is a point on which I would like to get an answer from the hon. Minister.

There are other points also which may perhaps come within the scope of the amendments. Reference has been made to GATT and to Imperial Preference and all that. They are very much related to the subjects dealt with in the amendments. If you permit me, I shall speak on them; otherwise, I shall take my chance in the third reading stage.

Mr. Speaker: It will not be in order to speak about them in the third reading stage.

Shri V. P. Nayar: Then I will speak about them now. The hon. Minister said many things about GATT. On the 12th and 13th April this year, when we were discussing the budget of the Commerce and Industry Ministry, these questions were posed. The answers given by Mr. Krishnamachari's colleague, Mr. Karmarkar, were most unsatisfactory. I expected that as a Member who represented India in the GATT conference, he would give us some more details about it. The GATT, as I understand it, is committed to removing of quota restrictions and as such, it must necessarily have a policy of negativing protection. That is my understanding of the GATT. That policy necessarily means the flooding of markets of under-developed countries with goods of industrially advanced countries. Even Mr. Karmarkar, I find, is quoted in the *Commerce* dated 31st October, 1953 as adhering to this view. He has been quoted as follows—this is at page 824—

> "My delegation feels that the success of this new international experiment will, to a great extent, depend on the policies adopted by the highly industrialised countries to liberalise trade, lower tariff barriers and to assist countries in the process of industrial development, by providing more capital and technical assistance. Production must be stepped up...."

It is a long quotation and I do not wish to read the whole quotation. Here Mr. Karmarkar's views are very

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clearly shown. Then may I ask: have the leading countries liberalised imports in respect of articles which we send in order that we may also have a policy of liberalisation of imports which we receive? Is there a reciprocity which warrants this? The U.K. was also represented at the GATT and I may be permitted to read one or two sentences from the remarks of the U.K. representative. He said:

> "Any attempt to cure the chronic unbalance which exists today is doomed to failure, unless there is a fundamental change in American commercial policy. A large range of potential exports to America are faced with tariff rates 50 per cent., 60 per cent., or even more. There are notorious difficulties of customs valuation which vastly increase the real burden of tax. There is the Buy American Act. There is the discriminatory shipping policy. There are the very reciprocity provisions which inhibit the unilateral lowering of trade barriers, which is axiomatic to a solution of unbalanced trade."

May I know from the hon. Minister whether this policy has changed at least in respect of the United States of America? Otherwise, what warrants a change in the import policy of Government? I am not going into the merits of the liberalisation of the import policy, because the points which I raised at the time of the general discussion were not answered. I put it this way. The danger in the policy of liberalisation, as we have now, is greater, because this Government has no control over the falling prices of commodities in other countries. Is that not so?

I also pointed it out at that time, and the hon. Minister did not give an answer to this, that countries like Japan have subsidised their exports. Here is an answer, which I got to a question which I put, from Mr. Krishnamachari himself yesterday.

Mr. Speaker: Order, order. Hon. Members need not carry on talks. They disturb the House because of the sound arrangements in the House.

Shri V. P. Nayar: Yesterday, I had a question, No. 682, which referred to the price of Soda Ash. My question was:

> "Will the Minister of Commerce and Industry be pleased to state the lowest price quoted in applications for *ad hoc* licences for Soda Ash during 1954 (July-December) and the prices quoted by firms which were ultimately granted such licences?"

This would not come within the ambit of the articles dealt with in this Bill, but, I am pointing out the real difficulty which we will necessarily have to experience in case we go on liberalising our imports. In answer, the hon. Minister said:

> "Applications received only up to the 12th August, 1954, were considered...."

I never found, although I searched all the papers in the Library, any notification specifying the 12th August as the last date for the receipt of applications. Probably, it is the practice.

> "...The lowest price quoted was £15 per long ton C.I.F. Indian Port. The prices quoted by firms who were granted licences ranged from £15-11-0 to £16 per long ton C.I.F. Indian Port."

Shri T. T. Krishnamachari: It is £15-11-0.

Shri V. P. Nayar: In my copy it is so; probably there is a scratch.

The hon. Minister already said yesterday, that in the matter of every import licence for bigger sums, he personally goes through the licences.

Shri T. T. Krishnamachari: After they are granted.

Shri V. P. Nayar: But, that is not what you said yesterday.

Shri T. T. Krishnamachari: That was what I said.

Shri V. P. Nayar: Anyhow, the fact remains that the hon. Minister has personal knowledge of all these licences, either granted or rejected when the licences cover a fixed sum. I do not know how big the sum should be to make the file go to the Minister; but, I presume, a lakh of rupees and more.

Sir, I know in respect of this article that from firms which quoted higher than £16, subsequently, quotations came which were far low. I know at least the case of one firm, I speak subject to correction, the firm of Bedel Soyer & Co., which has been given an import licence for importing Soda Ash to the tune of Rs. 6 lakhs or so. They originally quoted some rate and finally the rate quoted was different. I speak about this instance because I find from other sources that Japan has surplus of soda ash and it can reduce the prices and there is still a danger that even if you raise the tariff wall to 100 per cent. the possibility of Japanese goods or the goods of some other country—where export is subsidised by the States for purposes of their own.

There is another question which is very much relevant to this and that is the import policy. Yesterday the hon. Commerce and Industry Minister said in reply to debate that he was glad that there were no questions of policy in this House. No Member had asked any question about policy.

Shri T. T. Krishnamachari: Fewer questions.

Shri V. P. Nayar: Fewer questions? All right. He agreed that there were only fewer questions in respect of the import policy. I remember I had sent in some questions and the hon. Minister also answered them in his usual evasive way. With regard to this policy of liberalisation, I find that there were some restrictions on quotas. Government changed a rule under which the issue of *ad hoc* licences were permitted. Government say that they are liberalising. I do not want to go into details because I can see your anxiety to press the bell. I would only say that this policy of liberalisation is a matter in which I can justly say that charity begins at home. I can say, if you permit me, I can quote instances after instances how it has been manipulated. Yesterday Mr. Krishnamachari said that he personally goes through every case of permit granted. I do not want to refer to names. There was a question which was answered in respect to soda ash, sodium sulphide and Blanc fixe. In the case of these only one licence was given on the *ad hoc* basis. Previously there was a rule that *ad hoc* licences could be given only in cases of commodities which were declared to be essential and that too to the tune of only Rs. 25,000. Rules were changed and *ad hac* licences were issued for imports from U.K. and United States. What we did in this and what he did, the hon. Minister knows. We wrote to Panditji, the Leader of the House and he himself declared in the House that the hon. Member can seek his remedy by writing again to the Prime Minister. I say on the floor of this House that the policy of liberalisation which is now adumbrated by the Government started first with a firm in which the hon. Minister himself is interested. He may say that he has no interest. After all, blood is thicker than water; we know that. But, there have been several instances. I made an effort through our Research and Reference Section to get a list of the permits. You know, every week or fortnight the Government bring out a 500 or 600 page book which details all things about import licences granted etc. Amidst this sort of work in Parliament it is impossible for Members of Parliament to peruse all these 250 or 300 books and then find out which permit has been given to whom and for commodity. I do not like to mention names. But, I know that there has been something wrong with the approach of the import section of the Government.

Sir, I do not wish to say anything more and I think you have shown

[Shri V. P. Nayar]

me as much indulgence as possible. I would like the hon. Minister, when he gets up to reply, to answer the points which I raised, without any bias, and I would also request him to give me a categorical answer to the various points which I have pointed out with regard to discrimination or differenciation in import duty and about the GATT and the vagaries in the import policy.

Mr. Speaker: Amendments moved:

1. In page 1, after line 9, insert:

"(a) in column 4, for the heading 'Standard rate of duty' the heading "Rate of duty" shall be substituted;"

2. In page 1, after line 9, insert:

"(a) column 5 headed 'The United Kingdom' and all entries thereunder shall be omitted;"

3. In page 1, line 27, for "December 31st, 1958" substitute "December 31st, 1955".

4. In page 5, line 19, for "100 per cent." substitute "90 per cent".

5. In page 5, lines 31 to 36, for

"75 per cent. *ad valorem* or Rs. 6,000 per car or cab, whichever is higher" substitute "70 per cent. *ad valorem* or Rs. 5,900 per car or cab, whichever is higher."

I think I will call upon the Minister. There are 20 minutes now.

Shri T. T. Krishnamachari: My hon. friend Mr. Nayar had made a charge that points raised by him are not being answered to his satisfaction. Of course, we are here to give satisfaction to hon. Members, no matter from what section of the House they come, but I do think that in expecting us to answer questions, the questions should be posed in a manner in which we would be able to answer them. The questions should not be posed for purposes of some other reason which might, perhaps enhance the political prestige of the particular group concerned, but do not serve any purpose so far as the policy of Government is concerned. It must have some relevance to the subject on which you are discussing. After all, I am not a superman. I come reasonably well prepared to answer questions on any particular issue which we place before the House. Anything incidental, ancillary and supplemental to these issues, I try my best to answer. In fact, Sir, yesterday, I had made a request to you to give me half an hour for reply and it happened the debate collapsed and I had an hour. I spent 59 minutes in trying to the best of my ability to answer the questions raised by hon. Members and I do think I devoted quite a lot of time to the questions which were pertinent to the issues that were before the House. Well, if Mr. Nayar does not get satisfaction, I must only point out to him that the Government is not good enough to be able to give satisfaction, a fact which he realises all the time.

In regard to the particular amendments, the main basis of his charge was this question of preference. This matter has been raised before the House a number of times. Practically we bring in two Bills every session—certainly one Tariff Bill every session—and during the last 2½ years—in the life time of the House—I think we had 8 or 10 Bills. Apart from this there are opportunities like budget discussions. I miss my friend Dr. Lanka Sundaram, who is really the expert of Imperial Preferences. Sir, I had promised that we will have an evaluation of this particular matter and I did have an evaluation of this. I have got the report here but I do not propose to place it before the House because Government do not consider it in the public interest to disclose the findings of a committee which we appointed. I think it will not benefit the country as a whole to place these reports before the House.

Before going into the details raised by my hon. friend Mr. Nayar, I would also like to mention that, so far as GATT is concerned, about which I expanded to a considerable extent yesterday, the whole issue is now hanging fire. The question will have to be decided one way or another by the end of this year or early next year. The attitude of the various powers who are the promoters of this idea of an International Trade Organisation, to which this General Agreement on Trade and Tariffs is an ancillary body, is that they have departed from that idea. The idea of free international trade has now been restricted to trade within certain groups, and it is quite possible that the GATT itself might indicate considerable changes. So far as we are concerned, I believe it is in 1949 that, there was a discussion in this House on the Havana Charter. I remember that as a private member I took part in it; because I felt the Havana Charter, as it was framed, gave ample powers in the hands of the under-developed countries to safeguard their interests and we should, as a big country but nevertheless under-developed, not stand in the way of international understanding in regard to removing as much of the barriers of trade as is possible. Sir, all honour to this country and those who were in charge of the destinies of this country at that time, we were probably almost unique in taking up that stand while some of the big powerful countries did not agree. I also remember, in 1951, when I had the honour of representing India leading India's delegation to the Economic and Social Council, certain amendments were sought to be made in regard to restrictive practices by one of the bigger countries. I had pointed out to them: 'Here is a country which is under-developed but prepared to ratify the Havana Charter while quite a number of bigger countries were not able to do it'. I said, we would not agree to any piecemeal introduction or examination of restrictive practices unless the whole structure was approved by bigger countries. So, it is a matter of which I am personally cognizant, and I would humbly suggest, not only to my hon. friend Mr. Nayar but also to other Members of the House, that nothing will be gained now by an examination of this position because the whole thing is in a melting pot. I can also give them an assurance—provided they have faith in our assurance; an assurance given by a person in whom the other party has no faith is of no value—if my assurance is of any value, that we will try our best to see that as an under-developed country we do maintain our existing position.

Sir, even yesterday, speaking about quantitative restrictions, I did say that, while I do not like quantitative restrictions for various reasons: because of the necessity to exercise discretion by the executive in the matter of imposing these restrictions—which, to me, has been the main difficulty—and also, because of certain imbalance which it imports in the structure of our whole trade and shuts out people who have no established quota from coming into the trade; we cannot altogether do without it in view of the fact that we have an expansion programme and the necessity for us to conserve our foreign exchange would be a very primary factor once our programme gets under way. Therefore, in a matter like this, hon. Members of this House should take a reasonable view. Having in view the interests of this country, they must agree that the Government's approach to this problem is pragmatic and essentially based on the needs of the country. There is no point in quoting Fiscal Commission's report and telling me that there has been a particular appraisal. I have an appraisal of the position in regard to Imperial Preferences and I am prepared to take the House into confidence in regard to one particular fact. In 1951-52 we gave preferential treatment to about Rs. 52 crores worth of imports while we received preference over export amounting to Rs. 205 crores. My hon.

[Shri T. T. Krishnamachari]

friend Mr. Nayar wants me to tell him the duty portion of it; how much we benefited. I am afraid, I am not in a position to say that, but the most important items on which we received preference are: tea, cotton, cotton piece goods, coir yarns, mats and mattings, carpets, hides and skins. I can also tell my hon. friend Mr. Nayar, who is an indefatigable student, to refer—if he would—to the *Economic Journal* published by the Royal Economic Society of U.K., June 1954 number, in which there is an evaluation of Imperial Preferences, a quantitative analysis made by Sir Donald Macdougall and Mr. Hutt, both of whom are fairly well-known economists. The evaluation is not from the point of view of India. It is from the point of view of United Kingdom, but you will find that the relative position assigned to Indian imports into England and exports to India shows that the picture is not one about which we can say: 'well; we have given away a lot'. In fact, it shows our preferences so far as U.K. is concerned, the percentage margins are extremely small. There is no preference up to 49·8 per cent. on the goods that go to U.K. so far as India is concerned. The margin of preference is only on 2·6 per cent. of the goods The highest percentage is in regard to 7·62 per cent. to 10 per cent. on about 30 per cent., and you find, compared to other countries, the percentage of preference that we give is extremely meagre. As indicated in the quantitative analysis, we roughly get preference for four times the goods we ship out to England. Hon. Members will find that the picture is changing; it is not static; it changes from year to year and sometimes from month to month. As it is, at present, it is not a picture which is to the disadvantage of India.

It is not a question of the Government being on the defensive or Government beating about the bush. But, one thing, Government's intention is defensive. I am prepared to take the offensive if any hon. Member likes it. I am prepared to carry the battle into other people's sphere. Nor do I want to beat about the bush. So far as I know, I am prepared to mention it. One instance in which a personal reference has been made by the hon. Member. I have dealt with this matter on a previous occasion during the budget discussion. It does happen that my sons are doing some business and the firm carries my name. It is unfortunate that it is so, but it cannot be helped. My sons are my sons and my name is one to which I have a claim. It is also unfortunate that I have done some business in the past and if in certain parts of India it has goodwill, I cannot ask them not to have my name—it is all that I can give them. About the particular instance that is referred to, his leader wrote to the Prime Minister and the Prime Minister sent him a reply and I think that ought to be satisfactory. When I got to know about it, I told the Prime Minister that I was prepared to have an enquiry if that was so, but the Prime Minister said "This is a matter which comes within my cognisance and I do not propose to go on further into it". While it is very embarrassing for a Minister even remotely to be accused of having shown favour to his sons, in this particular instance I have mentioned to the House that it is a matter completely outside my cognisance, because at the time I took over, the Prime Minister knew that my sons were doing business and he said, "Any matter in which your sons are concerned, or somebody related to you or somebody from your sons' firm, the file had better be sent over to me for disposal". Those are the instructions and whether the licences are granted or refused, it is a matters between the Prime Minister and the parties concerned. This was categorically stated in the House and whether they believe me or not, in this matter I have no concern and I do not propose to have any concern. If they feel that the Government is not doing the right thing, the obvious

thing to do is to raise the matter, not with myself, but with the Prime Minister. I would apologise no more for it because I cannot apologise for a fact. My sons are doing my business and unfortunately or fortunately they carry my name.

In regard to the automobile industry, my hon. friend seems to be singularly informed. He knows the cylinders, the gadgets and the things that are put on the chassis and everybody knows that every driver is not an automobile engineer. There are about fifty to sixty thousand drivers in the country and not all of them are automobile engineers and hardly 5,000 of them know what to do when the car goes out of order. We often see the D.T.S. buses standing in the various corners of Delhi at night on this account. Because one has travelled in a car or one knows how to drive a car, it does not necessarily follow that he is an automobile engineer and knows everything about the car. The fact is that the automobile industry here is dependent on foreign collaboration. Our automobile people are able to change their model sufficiently quickly so that the tastes and ideas of our people will be satisfied in a larger measure than what it is today. That is how the industry can grow. Even in Russia—I do not know if my hon. friend has gone there, but I have not—initially when the automobile industry started, they bought the discarded jigs etc. of the Fords and set up their industry and it is a copy of that, of course, with the permission of the Fords. I do think we are striving our best in regard to the automobile industry. I announced yesterday in the House that I shall try to import one or two cars which my hon. friend mentioned, and we have just begun to see if anything can be manufactured in this country. We have no prejudices and we have no curtains at all so far as this country is concerned. Any country in the world can trade with this country and we are not afraid of trade with the biggest of capitalist or the biggest of communist countries, and we do profit by all the friendship that we can obtain from the countries in the world and make use of it for the benefit of our people.

The question of false pearls and glass beads and precious stones was tied up. In the case of false pearls and glass beads, we have a local industry and I really agree with him that we have a quantitative restriction, which is rather rigid, and that is why the imports have been so small, which difficulty is unfortunate. Often the trade is in the hands of pedlars. It is for this reason that since this goes particularly to the local industry and to freeze the imports to the extent that is possible, we have raised the duty on false pearls and glass beads. It is definitely intended to give protection. The hon. Deputy-Speaker comes from a district where these are made; it is a cottage industry and a very good one, and I do not want that industry to suffer. That is why we have raised the duty.

So far as precious stones are concerned, the views on the use of articles which are luxuries, so far as my party is concerned, are well known and we do not want to depart very far from what is necessary for our austerity attitude. We do not want to encourage people to go in for diamonds or other precious stones. My hon. friend has really touched the point that we have a trade in this country. There are artisans who work on these stones and we found that the policy of Government of imposing a high duty of 25 per cent or banning of imports had made that trade difficult. In Surat, there are a number of co-operative societies working on it. We have to allow these people to import on reasonable terms and then export them in a finished way—it is a two-way traffic. I might have done a mistake here or a mistake there, but the great intention is to help our people who have acquired a technique and that technique should not be lost and the living of those people should not go.

[Shri T. T. Krishnamachari]

That represents more or less the extent to which I am able to deal with the points raised by Mr. V. P. Nayar. So far as his amendments are concerned, we have no intention at present of departing from our policy of giving protection to the U.K. At the moment, the advantage is on our side, but it may not be very big. The advantage might disappear and the point was raised here that Mr. Thorneycroft has been told that the U.K. would not import Indian cotton piecegoods because India charges heavy duties and has a quota restriction. We cannot afford to take the duty away. We have to get the revenue. If England makes a change and something happens and various changes take place, naturally it is the time for a review. I can give the assurance to the House that the interests of India are quite safe even if we had this imperial preference. Nevertheless, the amendments are merely intended to elicit a statement of policy, and I think I have satisfied him.

Shri V. P. Nayar: Yesterday I raised the point—and it is a very vital point also—that in so far as the Government allowed the participation of foreign capital, it was confined to certain strategic industries wherein Indian capital was shy. May I know whether it is not a fact that in recent years, foreign capital has been allowed to flow into this country even for setting up a chocolate factory, typewriter factory and so on? Do Government consider that these are also industries of strategic importance in which Indian capital is shy?

Shri T. T. Krishnamachari: I have spoken already on this question. I said that the Government's policy is not a static policy. We began with a particular premise and if that premise is not satisfactory, we are prepared to enlarge it from one stage to another. We started with 70 and 30 per cent., but it goes on. Actually, I was told by a very learned member of the Federation of Indian Chambers of Commerce that in a discussion amongst them, they found that since consumer industries were not best suited for this country, perhaps the Federation might not be disinclined to allow foreign capital to come into the consumer industry. I can also mention that a very learned economist told us in 1948 that it was much better to allow foreign capital to come into the consumer industry so that it is not a difficulty as you may think. I keep the challenge still to ourselves. These instances have occurred now and again. It may be that in regard to typewriters—my conscience is quite clear—though I did not grant the licence, when we are reviewing the whole policy, we might grant a licence. The foreign technical 'know-how' in regard to typewriters cannot be approached yet by us. There are bound to be instances where my hon. friend, Mr. Nayar, and I will differ, but unfortunately the judgment happens to be left with this Government and not with the Government of Mr. Nayar, as he desires.

12 NOON.

Mr. Speaker: I am now putting the amendments to the vote of the House. Does he want me to put them all together or.....

Shri V. P. Nayar: All together.

Mr. Speaker: I am putting them all together.

The question is:

(1) In page 1, after line 9, insert—

"(a) in column 4, for the heading 'Standard rate of duty' the heading "Rate of duty" shall be substituted;"

(2) In page 1, after line 9, insert—

"(a) column 5 headed 'The United Kingdom' and all entries thereunder shall be omitted;"

(3) In page 1, line 27, for "December 31st, 1958" substitute "December 31st, 1955".

(4) In page 5, line 19, for "100 per cent." substitute "90 per cent".

(5) In page 5, lines 31 to 36, for

"75 per cent. *ad valorem* or Rs. 6,000 per car or cab, whichever is higher" substitute, "70 per cent. *ad valorem* or Rs. 5,900 per car or cab, whichever is higher."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Speaker: The question is:

"That clause 1, the Schedule, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Schedule, the Enacting Formula and the Title were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill be passed."

Mr. Speaker: Motion moved:

"That the Bill be passed."

Kumari Annie Mascarene (Trivandrum): I rise to oppose this Bill on the general ground that the administration of the Ministry, as far as trade and commerce is concerned and as far as tariff protection is concerned, has adopted a policy of discrimination towards States. To begin with, I have been looking into the table of industries which are given protection or in which cases protection is continued and I find that the titanium industry—the only industry in India and in Travancore-Cochin—has been left out. Perhaps it comes under some other schedule or some other table. Even if it is so, I wish to point out that the administration of the Ministry with regard to that protection has been one, not suitable to the development of industries in our country but suitable to the outsiders. Titanium industry is the only one of its kind in India raw material for which is found in abundance in Travancore-Cochin. It is an industry started a few years ago by the Dewan Government in which 51 per cent. of the capital is invested by the Government of the State and 49 per cent. by foreign industrialists. That industry suffered during the last few years and I had the privilege of moving an adjournment motion here which your goodself ruled out on the reason of its being a State subject.

After that, the Minister seems to have taken some interest in the industry and recommended a loan from the Industrial Corporation. Before the loan was granted I was asked my opinion with regard to the amount of loan to that industry as the industry is situated in my constituency and the employees are my voters. I had given sufficient reason to say that the industry is exploited by foreigners with the intention of running down the industry and importing titanium products from abroad. I had given them sufficient reasons not to give any loan unless the condition is laid down that they will develop the industry. Rs. 15 lakhs have been given.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

During the last holidays, I had been to the factory myself and had gone through the details with regard to the development of the industry. I notice that out of Rs. 15 lakhs, Rs. 9 lakhs has been spent on foreigners as arrears of pay. They maintain a top heavy administration and 75 per cent. of the capital invested is going for that expenditure and the capital

[Kumrai Annie Mascarene]

that is now invested in the industry is confined to about 6 lakhs of the loan and there is no hope that the industry will survive even with the loan. I had a talk with the manager of the industry, an industrialist from England. He was unwilling to give me details but I pressed him and he was forced to give me details as a Member of Parliament. He told me that Rs. 9 lakhs is consumed for arrears of pay. I had warned the Industrial Corporation with regard to this.

With regard to the distribution of the titanium products soon after the industry was started, there was a rush of titanium products and the distributors were agents from our own industry and we had a very good stock. In last May, I regret to point out, the distributing agents were changed from them to T. T. Krishnamachari & Co. and the result is the amount distributed had fallen very short and we are now losing. After giving Rs. 15 lakhs from the Industrial Corporation and after the industry had begun to revive, the distributing agents were changed last May. May I ask you: is it not with the influence of the Ministry accepting responsibility for self-seeking rather than developing the industries in my State?

An Hon. Member: What do you mean?

Kumari Annie Mascarene: Messrs. T. T. Krishnamachari & Co. have got their agents for the distribution of almost all industrial products and a decision has already been taken that the responsibility should be changed to Messrs. T. T. Krishnamachari & Co. Am I to understand that it is by the divine grace of God or by the influence of the Ministry? However much the Prime Minister may support his son sticking to profession, I wish to point out that the Ministries should be, like Caesar's wife, beyond suspicion... *(Interruptions)*. I must say that the Industry and Commerce Ministry has been the influence; that is my suspicion. I quite agree with Mr. Nayar's view that there is discriminating policy. Of course, as head of the Government he may not object but as a representative of the nation I object to Ministers employing their sons as distributing agents of industrial products, especially when they hold the industry and commerce portfolio.

The next question is with regard to the paint industry. You all know that paint is a commodity which is very widely used in this country—a country of 365 million people. There is almost no single activity without painting. For so many things we are importing paint today. Titanium dioxide when it goes through some chemical process of linseed oil produce paint; that is a very cheap process to produce paint. There is vast scope for expanding that industry in Travancore-Cochin State. I suggested to the management—the foreigners there—that there is scope to expand this industry. He said: no. Here is a foreigner who is allowed to ride roughshod over the raw materials and manufactured products. What is this Ministry doing? It is the only industry in the whole State and there are only few such industries in the whole world. When you have got raw materials bountifully from nature why should we not develop and expand it for the benefit of our country? As I am interested in artist's paint I can tell you that paint which is not even one ounce costs Rs. 1-2-0, that is paint manufactured in our own country on a very small scale. That means that you are giving every scope for imported paint to ruin our own industry. I am telling the hon. Minister with due respect to his position—I have great respect for his position and for his person—these are facts, facts that stare us in the face, facts that ruin my country, facts that give unemployment to many a voter of mine

I am in duty bound to present before this House this kind of Ministerial administration, and I wish to say that I condemn such policy and that hereafter you cannot expect the people who are in that State and who are suffering from unemployment, principally due to the negligence and maladministration of these Ministries, to come after and support you. They are all complaining to me "what are you doing there"? Here is an industry which has Rs. 15 lakhs loan given and here it is going down, and all the fifteen lakhs of rupees are allowed to be spent for foreigners. It is my duty to represent before you and before this august House that that Ministry requires a moral and other reforms in administration.

Shri L. N. Mishra (Darbhanga *cum* Bhagalpur): I had no intention to participate in this stage of the discussion on this Bill, but the speech delivered by my friend Mr. V. P. Nayar has provoked me to say something. Mr. Nayar said something and I asked him some questions yesterday, but my questions are still unreplied. Day before yesterday he talked of some economic theories as regards deficit financing, and I put some questions, but my questions are unreplied. Today he was too much uncharitable to the G.A.T.T. He spoke something which I think is highly derogatory to the prestige of the House in respect of an international body like that.

The House is aware of the fact that this G.A.T.T. is an international organisation like the International Monetary Fund or the World Bank, and it has been doing good many economic services to the free world. It is of course a fact that G.A.T.T. has not been as successful as other such organisations like the I.M.F. or the World Bank. But the success that it has achieved in the field of international trade and other things cannot go beyond notice. I admit that there is some difference in its method of working and in its field so far as its relations with other international organisations are concerned. But we must admit that it has been much helpful in the expansion of world trade, and it has been an assurance of automatic expansion of the tariff concessions to all its members and a safeguard against discriminatory treatment in the commercial world.

We are aware of its help, experienced by many low tariff countries, in settling international disputes so far as world trade is concerned. We must be obliged to it for the help in the settlement of our dispute with Pakistan so far as jute was concerned. But Mr. Nayar has no praise for it, nothing but condemnation for that organisation.

I do not think that any harm has been done to India for remaining a member of the G.A.T.T. I do not know which of the protected industries has suffered as a result of our membership of this organisation. I want to know on what item we have lost in revenue as a result of our membership of that organisation. I do not know if our Government has lost any revenue in any respect.

I admit, as I said, earlier, that it has not been very much successful, as compared to the other organisations. But we are aware also of the difficulties which it has been experiencing from its birth, due to the Korean War and other economic forces which dominated the world in 1952. Therefore, to condemn the organisation outright and to say that India is losing by its membership of the organisation is not justified. I think India is perfectly justified to remain a member of this organisation. I have nothing more to say.

Shri Jhunjhunwala (Bhagalpur Central): With all the praise I have for the hon. Minister for his administrative ability, quick decision and timely action on all the matters, I do not see eye to eye with his policy on certain matters.

The liberalisation of quantitative control—with all the arguments which the hon. Minister has put forward—I have not been able to follow. This

[Shri Jhunjhunwala]

liberalisation of quantitative control will in my opinion stand in the way of the development of our industry. The hon. the Commerce Minister has put forward one plea for the liberalisation of this quantitative control, that is, when there are more goods in the market the consumers will be able to get things at a cheaper price. If I may say so, it is not because of the liberalisation of the quantitative control that the consumers will get goods at a cheaper price. Of course, when there are more goods in the market, certainly the tendency of the seller is to bring down the prices.

But the greatest obstacle in the way of bringing down the prices of foreign materials which had been brought here was that the quotas were confined only to established dealers. They have sufficient funds in order to keep up the market price. They have holding power, and they could hold the things and sell at their price. From the very beginning it is being pointed out to this House that it is a great injustice that these quotas should be confined only to established dealers. Various questions were put in this House, and we had the occasion of examining the Secretaries and Ministers also in the Estimates Committee, and we put straight questions to them as to what is the principle behind it. They could not give any satisfactory reply. The only reply they could give was that "We want to keep up the pattern of trade". What was the pattern of trade? There were so many foreign import and export houses here. It was the interests of those people that the Government by confining big quotas to these established dealers were protecting and they used to charge the prices to the consumers at their own sweet will. Now it is said that by bringing in the relaxation of control and putting in more consumer goods in the market they will bring down the prices of consumer goods. What will it result in? Whatever may be the temporary advantage to the consumer, it will stand in the way of the development of our industries.

The hon. Minister's pet slogan is consumer's preference. This is all right. He should have heart for the consumers and he should see that the consumers get things at a cheaper and proper price and that they get the proper materials also. But, he should not forget the long-term interests of the country also. Now, the slogan "consumers' preference" should be changed into "consumers' patriotism." If the consumers could not get goods according to their taste, they will go in for the home-made goods. The home-made goods may not be to their taste. But, if they satisfy his needs, the consumer should forego his convenience, put up with a little psychological inconvenience and go in for the country-made goods, even though he may have to pay a higher price for a particular time. If there are sufficient consumer goods brought from outside in the markets, naturally, there will be a temptation and the consumers will purchase those things in preference to the country made things. If there is a shortage of consumer goods brought from outside, which will be sold at a cheap rate, certainly the people will go in for the home-made-things. They may not like them for the time being; but they will have to purchase these things, Naturally, our industry will develop. This is the only point which I wanted to bring home to the hon. Minister.

There is the question of quantitative restrictions. There are many points which he has said in favour of liberalising imports. They have got some place; but our country at present requires that there should be quantitative restrictions. Our people should, instead of purchasing foreign goods at a cheaper rate, though they may be better looking, go in for home-made things. That can only happen when they find that they have no other alternative except to purchase Indian-made goods. If we go back to the year 1905, when there was the *swadeshi* movement, when the textile mills were started, there were restrictions put that we should weave only such and such counts. We had

to purchase those things in spite of our unwillingness to do so simply out of patriotism. And now our textile industry can compete in world market both from the points of view of quality and price. I would request the hon. Minister to change this slogan "consumers' preference" into "consumers' patriotism."

Shri Tulsidas (Mehsana West): I was not present here in this House when these discussions took place on the Bill. Therefore, if I say something which has already been said, I hope you will pardon me.

I have read in the press reports of certain observations by certain hon. Members. I would like to inform this House that this Ministry had appointed a committee which was called the Import Control Committee in 1950-51 and I had the privilege of one of the Members. I know the difficulties that we experienced, when we made that enquiry with regard to import control. The various interests concerned pointed out various difficulties. In those years, particularly, there was the question of foreign exchange difficulties. We could not, therefore, suggest liberalisation of imports as is now being suggested in this Bill. Increase in import duty and liberalisation of imports are very healthy. We always felt in that committee that that would possibly be the most ideal thing. But, we had also to consider the various interests, the consumers' interests, industries' interests and so on. One cannot apply a standard principle for a particular type of control policy. Whether in a particular commodity, there should be quantitative control or increase in import duty or whether there should be a complete ban, it is very difficult to prescribe a standard formula. We felt at that stage that each case had to be considered from its own angle and that we should strike a balance between the two. This is what I feel in connection with the present Bill. In the industries which have been suggested for import liberalisation there is no case for any restriction and they have increased the import duty. Therefore, the industries' interests would not be affected.

I fully welcome this measure. But I do feel that we have to consider this aspect every time whenever any question of import policy in respect of a particular commodity has to be taken into consideration. I feel that we cannot completely rule out quantitative control. There is a certain amount of consumers' prejudice against particular goods which are manufactured in this country. People go in for foreign goods even though the price is higher and even though in the country the industry has got the capacity to produce much more than the demand in the country. There was an instance of one industry, where the production capacity of the industry was very much higher than the total demand in the country. Still, it was not possible for them to produce to the installed capacity, because there was no demand and there was a certain amount of consumers' prejudice. Imports were allowed, and even with an increased import duty, it was not possible to sell the goods which the industry was producing. In this respect, we shall have to consider why quantitative control should not be applied. I think, in such cases it is necessary that quantitative controls must be there.

Then, there is the question of foreign capital which was raised by my hon. friend Shri V. P. Nayar. As the hon. Minister said, we cannot have a static policy. But, I would like to bring to his notice that we have also to see that our industries are not ruined as it happened in the case of the match industry. Every match factory which was put up by Indian capital was completely ruined by foreign capital. That situation may arise. Therefore, it is difficult to follow a static policy. We have to consider each industry in its own way and find out whether, by having foreign capital imported into the country, industries financed by foreign capital and the Indian industries can flourish together. That would be most desirable. But, the

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experience in this country has been otherwise. In whatever industry foreign capital came, and in this country,—there are one or two industries which I can cite: for example, the cigarette industry and the match industry—the industry which was run by the Indian industrialists was completely ruined. It may be that perhaps in the initial stages these industries did not have the know-how or they were working on their original Indian ideas. However, we want these industries also to be run by Indian industrialists. After all, in every country, there is always the idea that each industry should be run by its own nationals. Therefore, to that extent, one has to consider whether foreign capital which is brought into this country does not create a situation which was created in the case of the two industries that I cited. That is one thing which I wanted to bring to his notice. I know the hon. Commerce and Industry Minister has got this aspect in his mind, but I do feel that this has to be weighed in future whenever foreign capital has to be imported into this country, particularly in the consumer industries.

I find in the statement which was put up by the Finance Minister that there has been a certain amount of bias in the Government with regard to these export duties and import duties. That is, somehow or other, considered as one of the sources of revenue. Now, Sir, I can understand that import duty is a source of revenue which has to be considered, that it will benefit the larger interests of the country. But, with regard to export duty, I find a reference made here in the statement, that they have reduced the export duties and have thereby given a certain amount of relief. The history of the export duties in this country has been that when certain commodities were in short supply all over the world and we were still surplus in those commodities and allowing a certain amount of those commodities to go outside the country, then, at that stage, it was necessary that the export duties should be levied. But, as a principle, the export duty is absolutely against the interests of the country. We want exports to take place from this country, and whatever commodities we allow to export, the export duty should not, in principle, be considered as a source of revenue. It should be considered merely for an extraordinary situation like what happened soon after the war. I do not think the export duty is at all in the interests of the country. It definitely is a burden on the agriculturists in the country because we are exporting their commodities from here. The same thing with regard to the export duty on other commodities. I can assure you that somehow or other the export duty has created a rather bad name for India outside the country, and this has been a source of dissatisfaction in most of the countries who used to buy our products, whether it is agricultural commodities or manufactured goods. To that extent the export duty has to be weighed from that angle and should not be considered as a permanent source of revenue as it has been pointed out here in the statement of the hon. Finance Minister.

Then, Sir, I find that there is also the other point which has been put in this statement, *viz.*, that even if there is quantitative control, the middleman makes the profit and that profit has to be mopped up by the exchequer by allowing the larger liberalisation of imports. I do not know whether that would be mopped up by the exchequer. I can assure you that profit will definitely go to the hands of the consumer which is a better thing. I do not think that the plea that has been put up here that the profit will be mopped up by the exchequer is correct. To the extent of increase in duty it perhaps does, but I do not think the entire profit will be mopped up. It is a good thing that this benefit is given to the consumer.

With these remarks I welcome this measure.

श्री शिवमूर्ति स्वामी (कुष्टगी): सभापति जी, पिछले दो दिन से इस बिल पर जो बहस चल रही हैं उसको और हमारे मिनिस्टर महोदय ने जो एक्सपोर्ट इम्पोर्ट पालिसी के बारे में बयान दिया और हमारे श्री अशोक मेहता ने जो इस विषय में बहुत कुछ कहा उनको तुलना करने से हिन्दुस्तान की इंडस्ट्रियल पालिसी हमारे सामने आ जाती हैं। मेरी समझ में इम्पोर्ट और एक्सपोर्ट पालिसी में इस बिल में जो लिबरलाइजेशन किया गया हैं वह हमारे देश की सनत को बढ़ावा देने वाली पालिसी नहीं हैं। लिबरलाइजेशन पालिसी से हिन्दुस्तान में जो चीजें पैदा होती हैं उनको और हमारी सनत को बढ़ावा नहीं हो सकता। रा मैटीरियल के लिये ड्यूटी लगनी चाहिये ताकि रा मैटीरियल का एक्सपोर्ट कम हो, अलबत्ता फिनिश्ड गुड्स में आप लिबरलाइजेशन से काम ले सकते हैं और आज हम देखते हैं कि हमारी गलत और लिबरल पालिसी की वजह से हमारे घरेलू उद्योग और कॉटेज इंडस्ट्रीज तरक्की नहीं कर रही हैं और उनको तरक्की देने के लिये यह जरूरी हैं कि हम अपना जरूरी रा मैटीरियल का सामान दूसरे देशों में जाने से रोकें और उस पर ड्यूटी वगैरह लगायें और उसमें लिबरलाइजेशन न बर्तें। हमें जो देश में गृह उद्योग हैं उनको हर प्रकार से बढ़ावा देना चाहिये और सहूलियतें और संरक्षण देना चाहिये जैसे आपकी साइकिल इंडस्ट्री हैं इसको प्रोटेक्शन जरूरी हैं और आप दे रहे हैं। देश की टेक्सटाइल इंडस्ट्री को पिछले सौ वर्ष से प्रोटेक्शन दिया जा रहा हैं और यह देना जरूरी हैं क्योंकि तभी फॉरेन चीजों से वह कम्पीट कर सकती हैं, उस इंडस्ट्री को सूत और कपास में अन्दरूनी तौर पर प्रोटेक्शन मिलता हैं। तो मेरे कहने का मतलब यह हैं कि जो हमारे देश की बेसिक इंडस्ट्रीज हैं उनको बढ़ावा देने के लिये एक्सपोर्ट और इम्पोर्ट पालिसी का रिवाइज होना जरूरी हैं। हमें रा मैटीरियल जिन की हमें उद्योगों को जरूरत हैं उनके एक्सपोर्ट पर ड्यूटी लगाना चाहिये लेकिन फिनिश्ड गुड्स पर जो ड्यूटी लगायी हैं वह मैं बिलकुल गलत पालिसी समझता हूं। हां रा मैटीरियल के बारे में आप एक्सपोर्ट में लिबरल मत रहिये और ड्यूटी अवश्य लगाइये। बस और अधिक न कहते हुये चाहता हूं कि सरकार इस ओर ध्यान दें और इसके अनुसार अपनी एक्सपोर्ट और इम्पोर्ट पालिसी चलाये जिस से हमारे देश के जो गृह उद्योग हैं बेसिक इंडस्ट्रीज हैं वह तरक्की करें। वर्त्तमान रूप में जिस प्रकार यह बिल हैं उसका मैं पूरा समर्थन तो नहीं कर सकता, तथापि मुझे आशा हैं कि सरकार मेरे सुझाव पर सहानुभूति पूर्वक विचार करेगी।

Shri T. T. Krishnamachari: Mr. Chairman, Sir, this is the third time that I rise in regard to this particular motion.

Shri V. P. Nayar: All the amendments were discussed together. Otherwise, you would have had to rise several times more.

Shri T. T. Krishnamachari: I am grateful for whatever small mercies are conceded to me.

An Hon. Member: Small mercies?

Shri T. T. Krishnamachari: The point really is this. There was a sledge-hammer attack by my friend Kumari Annie Mascarene on me. It is, of course, always embarrassing for any person to answer a personal attack. She probably had something to do with titanium dioxide. I know she had asked some questions in this connection. I am not aware what other connections she had.

Kumari Annie Mascarene: And they were all disallowed.

Shri T. T. Krishnamachari: Well, sometimes, the Chair is wiser than the Members.

The Tariff Commission has gone into the case of titanium dioxide and have

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submitted a report to the Government. The Government issued a resolution on it dated the 9th December, 1953. The Tariff Commission has recommended—the report is available in the Library—that the Travancore Titanium Products Limited should maintain their selling price of titanium pigments at or below Rs. 140 per cwt. for anatase and Rs. 154 per cwt. for rutile. In order to enable the company to reduce the price to the above level, it recommended that a subsidy of Rs. 300 per ton on sales of titanium dioxide of both types should be paid to the company subject to a maximum of Rs. 2,70,000; that a surcharge of Rs. 2 per ton on the export of ilmenite should be levied; that a refund of customs duty on titanium tetrachloride used by the company as raw material should be made. Government's decision was this. In paragraph 2 of the resolution, Government have said:

> "Government agree with the Commission about the need to increase the consumption of titanium dioxide in the country. The recommendations of the Commission regarding the grant of a subsidy to the Indian Company do not however need to be implemented at present because the Company has since received a large export order which is expected to enable it to maintain economic production even without a subsidy. Further, as the industry proposes to confine its production to the anatase type of titanium pigment, no relief regarding the import duty on titanium tetrachloride would be needed by it."

Kumari Annie Mascarene: What about titanium dioxide?

Shri T. T. Krishnamachari: As for titanium dioxide, what they are selling is the anatase type of titanium pigment.

There are other recommendations of the Tariff Commission, referred to in para. 4 of the Ministry's Resolution, in sub-paras. (a) to (k). In para. 5, Government say:

> "Government will take suitable steps to help in the implementation of these recommendations as far as possible. They take this opportunity of drawing the attention of the industry to recommendations (j) and (k) in the preceding paragraph regarding the steps to be taken by them to reduce costs and popularise the use of titanium dioxide in the country."

Kumari Annie Mascarene: I want one clarification. Have this Government ever asked for auditing their accounts, after giving them Rs. 15 lakhs?

Shri T. T. Krishnamachari: As a matter of fact, that sum of Rs. 15 lakhs was given by the Industrial Finance Corporation, and not by Government. Therefore, the question of audit functions is a matter for the Industrial Finance Corporation. Government have not given this money.

Kumari Annie Mascarene: But Government have recommended.

Shri T. T. Krishnamachari: Beyond this paragraph 5, I do not know what has been done. So far as I am concerned, the House has to take my word for it that I know nothing about this. I did not ask them to give an agency to anybody. But I shall certainly make enquiries whether the Ministry in making the recommendations in para. 5 did mention any specific person or recommended any specific person for being given an agency. Beyond that, I think, my hon. friend is drawing vividly from her imagination.

Kumari Annie Mascarene: I directly got this information from the manager of the Travancore Titanium Products Limited, that Messrs. T. T. Krishnamachari & Co., will be given the agency.

Shri T. T. Krishnamachari: We will make enquiries as to whether anybody has recommended any particular

firm. That enquiry will be made, and the results of the enquiry will be sent to the Ministry of Parliamentary Affairs, and will be available to Members of the House. Beyond that, I do not propose to say anything on that particular matter.

Shri V. P. Nayar: May I ask a question of the hon. Minister? Is it a fact that Government have invited some German firm to manufacture barium chloride in India by the use of titanium products, and if so, who are now functioning as the agents of that German firm?

Shri T. T. Krishnamachari: Government do not invite anybody. I do not think we have got any specific enquiry now being made in regard to barium chloride. Government have taken no initiative in the matter yet. Probably, they might, under the Industrial Development Corporation. There may be many things. In fact, I have representations made to me by people in Salem that something must be done in that regard. But we have not moved in that matter, we have not taken any steps in the matter.

My hon. friend Shri L. N. Mishra was good enough to speak in support of Government's policy in respect of the GATT. I am very grateful to him for it.

Shri Jhunjhunwala is a very good friend. He approves of me personally, but he does not approve of my policies, for that measure of approval, I am grateful. But where there is disapproval, I should only consider it from a personal point of view as being unfortunate. But nevertheless, I do not think what he said has really convinced me that my policy is wrong.

The fact really is that in regard to consumer demand, a mere banning of the use of certain articles does not provoke a demand. Of course, they say, nature abhors a vacuum, but so far as the question of supply and demand is concerned, unless there is a supply, the demand does not come; and if the supply is choked off, the demand dies. After all, people are accustomed to use certain things, and they would not use those things, if the things are not available, and they would be going in either for other substitutes, or they would deny themselves the use of those articles. Therefore, if you really want to industrialise this country—and industrialisation in the country means production of certain of the consumer goods, because all producer goods or producer equipment are merely intended ultimately to produce consumer goods and raise the consumer's standard of living—we have to create a demand. If supposing we want our people to use X, a particular article, in consumption we have got to get them use that particular article. And this question of getting them to use it is rather difficult. Of course, the hon. Member mentioned about consumers' preference. I will say consumer propensity, not so much in that abstract term in which it is mentioned by 'econometricians' but in the one that you use in actual practice. Consumer preference grows with more consumption goods being available.

I would like to mention to the House an experiment which has been carried on in England, in regard to retail distribution. Normally, a retail shop has got a salesman; people go and ask for a particular commodity, and the salesman tells them the price and sells that article, or probably he wants to sell them some other thing, and therefore says, but this is cheaper or this is better. But what is now being done in many places in the U.K. is not to have this kind of selling. They have shops in which all the goods are exhibited, and people go and pick out what they want, go to the counter, lay it on the counter, get the bill drawn up, pay for it and then go. This has in many cases, according to statistics, increased the offtake from the shops, sometimes to as much as four hundred per cent. A man goes to a shop to buy a tooth-paste, but he finds something else which is good, and then he recollects, probably I need this too, so better have this also, and so, he takes that article also; then he finds something else, and then something else and so on; ultimately,

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he takes all those things, pays for them and then goes. So, it is a question of a person seeing things. That is why we have a shop window. If a woman goes to a sari shop, her husband goes with her for the purpose of buying only one sari; but the woman finds other saris also there, and unless the husband severely frowns, she buys two and comes away. The same case is true when a person like myself goes to a book-shop. I go to buy a particular book, and I find something else: probably, it looks attractive, probably the jacket is good, or probably what is contained in the title page is good, and I buy it.

So, the question of a consumption propensity is developed by sight, and by other things that occur at the moment. So, there is no point in saying, you ban the goods, and the demand will rise. It may be that in the particular sphere in which my hon. friend is working, it is right. But from the point of view of a person who knows a little more about it, from the point of view of a person who is guided by the people that know the psychological and other factors that contribute to an increase in demand, I am afraid, my hon. friend Shri Jhunjhunwala is not right.

Shri Tulsidas spoke about foreign capital. I do not think he was very vehement about it; he was in his usual way. But one thing he mentioned about the bias of Government in regard to import and export duties. I have mentioned, and I think my colleague the Finance Minister has mentioned it once or twice, that while we use import duties as a means of producing revenue, we do not use export duties purely as a means of producing revenue. Export duties incidentally produce revenue, and we are glad about it, because we would like to have the money. But we are always prepared to reduce export duties or abolish them altogether, if we find that the foreign buyer who buys these goods finds that the prices are high, and therefore, they inhibit the buying on the part of the foreigner. While we have to shoulder the loss and make good the loss by other means, we are always prepared to treat export duties merely as a measure of mopping up the extra amount received by our people—more than what they should—rather than as a method of having a stable revenue. We do not expect export duties to be stable revenue, and if the hon. Member thinks that we have other ideas, I may assure him that that is not the idea. But, probably in implementing that policy, we do not go as far as Shri Tulsidas wants us to do. Sometimes, Government make a mistake.....

Shri A. M. Thomas (Ernakulam): For example, in the case of pepper.

Shri T. T. Krishnamachari: In the case of pepper, unfortunately, the position is this. When I almost decide to see that there is a need for reduction, I find that the prices go up.

There was a time when we felt that we had reached the rock-bottom and we were scratching our heads, worrying about the reduced prices. Next week, my office told me that the prices had shot up. Well, it is not a question of disinclination on my part; it is a question of the market operating more in my favour than in the favour of Mr. Thomas and his friends.

Shri A. M. Thomas: Even now it is not above Rs. 1,300.

Shri T. T. Krishnamachari: That is a matter of opinion. Unfortunately, rightly or wrongly, the decision rests with Government. I am stating the policy, and in the implementation of the policy the question is of adjusting the rival claims between the money that should go into the hands of the trade and the producer. And some portion should go to the State. In this, I am afraid, Government have to be the arbiters. Maybe, that we are often not good arbiters, but our position is that of arbiters, and we have to justify our position to the country. While you might tell me that the particular decision that we

take is not the method of implementing a policy, basically, I submit, the policy is right, because we are not considering export duties as a part of our stable revenue.

I am sorry I am not conversant with any other language than Tamil and English. So I could not understand what my friend, Mr. Sivamurthi Swami said. Perhaps it was not intended for my ears. So I leave it at that.

Shri V. P. Nayar: That is very unfair.

Shri T. T. Krishnamachari: In this third reading discussion which has gone far beyond the subject of our discussion, Government have tried to the extent of their ability to provide answers, satisfactory or otherwise, as hon. Members individually think about them.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Chairman: The House will proceed to the next business. The Minister of Rehabilitation—he is not in the House.

Shri V. P. Nayar: I would like to know what is the procedure in such cases.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): We will start now.

Shri V. P. Nayar: Where is the Bill? You introduce it.

Shri Satya Narayan Sinha: It was scheduled to start at 1 o'clock.

Shri V. P. Nayar: The Minister in charge should be here. We should not be left in the lurch like this.

Shri A. M. Thomas: We will adjourn now and assemble after ten minutes.

Shri V. P. Nayar: Let us hear the Minister of Parliamentary Affairs for a change.

Shri Satya Narayan Sinha: Unfortunately, I have not got the Bill with me.

Shri R. K. Chaudhuri (Gauhati): Can we say anything? I wish to address this House.

Mr. Chairman: Order, order. The Bill was to be taken up at 1 o' clock. But on account of the paucity of speakers on the non-official side, the hon. Minister was asked to reply and he finished his speech early.

Shri T. T. Krishnamachari: If I had known it, I could have dragged on.

Shri Nambiar (Mayuram): We want to proceed with the next Bill. (*Interruptions*).

Shri R. K. Chaudhuri: On a point of order. Are we sitting as Members of the Lok Sabha here now? (*Interruptions*).

An Hon. Member: No.

Mr. Chairman: Does the hon. Member want to say that because the Minister is not here, he has ceased to be a Member of the Lok Sabha?

Shri Nambiar: Unless he is a Member, how can he raise a point of order? (*Interruptions*).

Shri V. P. Nayar: I would suggest that the House do adjourn for five minutes.

Shri N. C. Chatterjee (Hooghly): May I make one suggestion to you? Let us utilise this interval profitably. You may remember .....

Mr. Chairman: Order, order. Unless there is a motion before the House, how can I allow discussion?

Shri N. C. Chatterjee: I am putting a motion if nobody else will.

Mr. Chairman: I think we will now adjourn for five minutes.

(*The Lok Sabha then adjourned.*)

The Lok Sabha re-assembled at four minutes past One of the Clock.

[PANDIT THAKUR DAS BHARGAVA *in the Chair.*]

Shri Sivamurthi Swami: Sir, I make a submission that the Chair should direct that the hon. Minister

[Shri Sivamurthi Swami]

should be present at least ten minutes before because it puts us in an embarrassing position. The House had to adjourn for five minutes.

Mr. Chairman: The hon. Member knows that the other Bill was to finish at 1 o'clock, and the hon. Minister was here just before 1. Nobody could have expected that the discussion on the other Bill would collapse. The hon. Member knows the circumstances.

ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) BILL

The Minister of Rehabilitation (Shri A. P. Jain): Sir, I am sorry to have caused a little inconvenience to the House. In fact, there is another Bill under discussion in the Rajya Sabha and I was speaking there on that Bill. Immediately I got the information I came here, leaving my speech in the middle. Even so, I arrived here a few minutes before the appointed time.

Sir, I beg to move:

> "That the Bill to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May, 1954, which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950 for that purpose and certain other purposes, be taken into consideration."

I think that there is no Member in this House who will not agree that the evacuee property law is an abnormal law, a law the parallel of which is not to be found in the statute-book of any civilised country. No country can be proud of a law like this. But, we had to enact this law under extraordinary circumstances. It has been in force for the last seven years and more. During this interval, I am glad to say, the country has attained a great amount of stability. The disturbances which marked the early phases of independence have disappeared and we find peace and tranquility prevailing everywhere in the land. The question arises whether this law, which as I said, is an extraordinary law, an abnormal law should continue any more. I have no manner of doubt in my mind that the time has arrived when this law should cease to exist on the statute book. Consequently, after a good deal of consideration, we took a twin decision, one relating to the disposal of the property which has become evacuee property already and the other with regard to the future of the evacuee property law. The House is aware that the other day a Bill was passed by the Lok Sabha for the payment of compensation and rehabilitation grants to the refugees. That was one part of the decision and the other part of the decision is now before the House.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Speaking in a layman's language, the effect of the two Bills with regard to evacuee property is somewhat like this. Property which has been declared as evacuee property before the 7th of May, 1954 continues to be evacuee property and will be transferred to the compensation pool. Properties in respect of which proceedings were pending under the Administration of Evacuee Property Act on the 7th May, 1954, will be declared evacuee property or otherwise according to the decisions in those proceedings. There is yet another class of properties, namely properties which according to law, should have been declared evacuee property before the 7th May, 1954 but proceedings in respect of which have not so far been started. The House is aware that the whole affair of evacuee property has been a very difficult one. Lakhs of properties are distributed all over the country. We set up an administration—and I must say a fairly adequate administration—to take over those properties. But, in certain parts of the country, there

were difficulties, difficulties of law, difficulties of State administration which have stood in our way. For instance, in the United Provinces, there have been a large number of land reform laws during the last four or five years and some of those laws came into conflict with the Administration of Evacuee Property Act. We had prolonged discussions extending over a year or so and after examining both the local laws and the Administration of Evacuee Property Act, we came to certain settlements with the United Provinces Government and hon. Members must have seen newspaper reports.....

Mr. Deputy-Speaker: Uttar Pradesh, not United Provinces.

Shri A. P. Jain: I am sorry, Uttar Pradesh. Hon. Members must have seen in the newspaper reports of the proceedings of the Legislative Assembly of Uttar Pradesh about the land reform Bills. Our settlement with the U.P. Government about the evacuee properties forms part of the Bill, which I hope will soon become law. In some other States also we are faced with certain difficulties and the question was as to what we should do with the properties which have become evacuee property under the law, but in respect of which proceedings have not been started. A provision has been made in clause (b) of section 3, which gives authority to start proceedings in respect of such properties even after the 7th May 1954. The House will also observe that I have given notice of an amendment to clause (b) of section 3. I will not go into the details of the amendment at this stage, but only make brief observations. My amendment proposes to curtail the powers at present contained under clause (b). Clause (b), as it stands at present, authorises the initiation of proceedings with respect to persons who have migrated to Pakistan, persons who may have transferred their assets, and persons who may have entered into some sort of exchange or obtained allotment of evacuee properties in Pakistan. The amendment confines it only to persons who have migrated to Pakistan and who are residents of Pakistan on the 7th May 1954 and the period during which such proceedings could be initiated is also limited to six months. As I said before, Government is definitely of the opinion that a stage has come in the social life of our country when the Evacuee Property Act should no more find a place on our statute-book and we propose to achieve this object by the enactment of section 3 and section 7. The House is also aware that under section 16 of the Administration of Evacuee Property Act, Government have the right to grant certificates for the restoration of properties which have been declared as evacuee properties under certain circumstances. Under the original law, there is no period of limitation prescribed during which such an application can be made. The House has recently passed the Bill providing that the evacuee properties may be transferred to the compensation pool. Naturally, any properties, with regard to which there is a dispute, will not be transferred to the compensation pool unless the dispute has been decided. Therefore, we have provided in clause 5 that in future, a person who wants to put in an application under section 16 must first exhaust all the remedies that are available to him under the law, that is, he must obtain the order of the Custodian-General and then he will be given sixty days' time during which he can make an application under section 16. Under the changed circumstances, I think a provision of this nature is necessary. Other provisions of the Bill, though important, are incidental. I do not think that I should refer in detail to those provisions, except clause 8. Recently in a case, Abu Bakar *versus* the Custodian-General, the Supreme Court has ruled that if a person, against whom proceedings are pending under section 7 of the Administration of Evacuee Property Act, dies during the pendency of these proceedings, the proceedings cannot continue; they abate. Any judgment of the Supreme Court deserves the highest respect and

[Shri A. P. Jain]

after giving a good deal of thought, we felt that there was a lacuna in law and we should amend it. Ordinarily, in all the civil proceedings, if a party to the suit dies, his legal representative is brought on to the records, but there is no such provision in this law.

Shri N. C. Chatterjee (Hooghly): As a matter of fact, in that case, the gentleman concerned died the very night the arguments were closed and the judgment was delivered the next morning and we, therefore, contended that that does not mean that the arguments were finished or the proceedings were finished. The order was announced and only the judgment was to be signed. Even then, the Supreme Court held that it was *ultra vires*. I think it is a very desirable provisior

Shri A. P. Jain: By the way, in the case of insolvency law, there is a provision that if a person dies during the pendency of the suit, then the proceedings will continue in the same manner as if he were alive. But there is no such provision in this law and the Supreme Court held, and I believe correctly, that the proceedings abated, but the judgment of the Supreme Court was based more on the language of the law and not on principles. We have consulted the highest legal authorities in the Government and we feel that we must fill up that lacuna, and consequently section 8 has been incorporated. Our legal advisers have suggested that the provision of section 8 should find place elsewhere and I have tabled another amendment which does not by any means affect the substance of section 8, but is intended to achieve the object more effectively and at the proper place.

I would not like to take more time of the House about certain other provisions which, I believe, are of a comparatively minor nature. If any questions about any of those provisions arise, I would rather like to reply to them about the end of the general discussion. With these words I hope that the House will agree to the motion to take the Bill into consideration.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May, 1954, which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950 for that purpose and certain other purposes, be taken into consideration."

There are certain amendments to this. Sardar Hukam Singh is not here. Is Mr. Deshpande moving his amendment?

Shri V. G. Deshpande (Guna): Yes, Sir. I beg to move:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1954."

Mr. Deputy-Speaker: Amendment moved:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1954."

Is Mrs. Sucheta Kripalani moving her amendment? If so she may move it, but the names of the persons for the Select Committee have not yet been given by her to the office.

Shrimati Sucheta Kripalani (New Delhi): I beg to move:

> "That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Lala Achint Ram, Shri Gurmukh Singh Musafir, Shri Diwan Chand Sharma, Shri Rohini Kumar Chaudhuri, Dr. Ram Subhag Singh, Sardar Amar Singh Saigal, Shri Radha Raman, Sardar Lal Singh, Sardar Hukam Singh, Shri N. C. Chatterjee, Shri Ajit Prasad Jain, Shri M. Hifzur Rahman, Shri Amjad Ali and the Mover

with instruction to report by the 30th September, 1954".

Mr. Deputy-Speaker: Has she obtained the consent of all the Members whose names have been proposed?

Shrimati Sucheta Kripalani: Yes.

Mr. Deputy-Speaker: Have they all agreed?

Shrimati Sucheta Kripalani: Most of them have agreed.

Mr. Deputy-Speaker: Even if one does not agree .....

Shrimati Sucheta Kripalani: Except for one or two Members, who are present, I have approached them and they are agreeable.

Mr. Deputy-Speaker: I suppose silence is half-consent.

Shrimati Sucheta Kripalani: They are willing.

Mr. Deputy-Speaker: The Minister will oppose it?

Shri A. P. Jain: Yes.

Mr. Deputy-Speaker: Amendment moved:

> "That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Lala Achint Ram, Shri Gurmukh Singh Musafir, Shri Diwan chand Sharma, Shri Rohini Kumar Chaudhuri, Dr. Ram Subhag Singh, Sardar Amar Singh Saigal, Shri Radha Raman, Sardar Lal Singh, Sardar Hukam Singh, Shri N. C. Chatterjee, Shri Ajit Prasad Jain, Shri M. Hifzur Rahman, Shri Amjad Ali and the Mover, with instruction to report by the 30th September, 1954."

Then Shri Gidwani's amendment is the same thing. Only the date is different, it is 20th September. I will treat it as barred. 30th September is all right.

Then there is an amendment tabled by Shri Bogawat for reference to a Joint Committee. I find the Member is not here.

Very well. Mr. Deshpande may speak now.

श्री वी० जी० देशपांडे : उपाध्यक्ष महोदय, आज पुनर्वासमंत्री ने एक महत्वपूर्ण विधेयक इस सदन के सम्मुख रखा हैं । इस बड़े महत्वपूर्ण विषय पर भी विस्तृत भाषण करने की चिन्ता उन्होंने नहीं की । उन्होंने उत्तर देते समय इस बारे में बोलने का आश्वासन दिया हैं । मेरा विरोध इस लिये हैं कि यह विधेयक भारतवर्ष में सात वर्ष तक बना रहा । यह विधान अब तक इस देश में कार्यान्वित होता रहा और इस विधान का प्रभाव इस देश में रहने वाले करीब ७० लाख लोगों के जीवन पर पड़ने वाला हैं । इस में करोड़ों रुपये की सम्पत्ति सम्बन्धित हैं । लेकिन यह सब बातें जनता के सम्मुख नहीं रक्खी गई । हम लोगों को "एंडमिनिस्ट्रेशन आफ इवैक्वी प्रापर्टी एक्ट, १९५०" की प्रतियां भी मिली हैं परन्तु इस के सम्बन्ध में पूरा विवरण जनता के सम्मुख नहीं आया हैं । इस के साथ हम एक दूसरी बात भी देखते हैं कि जो विधान सदन के सामने आया हैं उस में अंतिम दिन तक संशोधन चल रहे हैं । जब पिछला विधेयक हमारे सम्मुख आया था तब यह कहा गया था कि इस में १,२,३,४ केवल इस प्रकार की बातें ही रहेंगी । उस के पश्चात् हमारे मंत्री महोदय ने यहां पर आ कर उस में दूसरा ही संशोधन किया हैं । वह अपनी औदार्यपूर्ण नीति से इस विधान को ही समाप्त करना चाहते हैं, उस की मौत ज्यादा नजदीक ले आये हैं । मैं इस कारण यहां पर विरोध करने के लिये खड़ा हुआ हूं कि इतनी जल्दबाजी में आप को यह विधान सदन के सामने नहीं रखना चाहिये । न तो इस को किसी प्रवर समिति ही में भेजा गया हैं और न जनता का मत इस के बारे में संगृहीत किया गया हैं । दो तीन वाक्यों में ही उस को बड़ा सरल कर दिया गया हैं । "मैटर्स और

[श्री वी० जी० देशपांडे]

ओवर सिम्पलफाइड" कि यहां किसी का मतभेद नहीं कि अब यह जो कानून है उस को समाप्त होना ही चाहिये।

Mr. Deputy-Speaker: I would like to make an announcement. The time allotted for this Bill is four hours. We started from 1-05 P.M. Therefore we will go on till 5-05 P.M.

Shrimati Sucheta Kripalani: I have sent a request to the Speaker that the time is not enough. When the Business Advisory Committee decided to allot four hours to this Bill, at that time certain amendments of the hon. Minister of Rehabilitation were not before the Committee. Those are very vital amendments. Therefore I think more time should be allowed.

Shri N. C. Chatterjee: Very radical amendments have been tabled by the hon. Minister.

Mr. Deputy-Speaker: What is the time wanted?

Shri N. C. Chatterjee: We want two hours more.

Shri A. P. Jain: My amendments are of a very simple nature. They do not change the purport of the Bill. One of them limits the scope of clause 3 while the other is a juxta-position from one place to another. If you want to increase the time you may do so. But I think my amendments should not at all affect the time originally provided.

Mr. Deputy-Speaker: My difficulty is this. When once this becomes an order of the House and when the hours have been allotted, it can be changed only if the Leader of the House makes a motion and it is accepted by the House. If that is done I have no objection personally. We have agreed to sit till six everyday. We can extent it by one hour.

Pandit Thakur Das Bhargava (Gurgaon): According to the rules it is only the Leader of the House who can make a motion for change of the order adopted by the House. Though many of us want that the time should be extended, unless there is the motion by the Leader of the House I do not know how the order about time limit can be changed.

Mr. Deputy-Speaker: That is what I also feel. Hon. Members who sought to get the time extended, if there is enough time, may I ask the Leader of the House to make a motion. If the House agrees, I have the least objection. Whether we sit for two hours or not, we can sit for one hour more. And there does not seem to be any other business in the Order Paper today. After finishing it the business of the day can conclude. All right, it is open to any hon. Member to persuade the Leader of the House to make the motion.

Out of these four hours or five hours—until it is extended we have only four hours—what time shall we allow for the different stages? Many Members are wanting to speak.

Shri A. P. Jain: Two hours for the general discussion, one and a half hours for the clause by clause consideration, and half an hour for the Third Reading.

Mr. Deputy-Speaker: If we extend the time by one hour, that will be distributed in the same proportion between the three stages.

As at present, the Bill should conclude at 5-05 P.M. Allowing two hours for the general discussion, 1-05 to 3-05, the general discussion will conclude, as at present, at 3-5—unless in the meanwhile a motion is made by the Leader of the House and it is accepted by the House and the order of the House fixing the time is changed.

I find many hon. Members wanting to participate in the discussion. Each hon. Member will not take more than fifteen minutes. Mr. Deshpande may now continue his speech.

[SHRI BARMAN *in the Chair*]

श्री वी० जी० देशपांडे : मंत्री महोदय ने यह बताया कि इस के बारे में कोई मतभेद हो ही नहीं सकता कि अब इस कानून को समाप्त होना चाहिये। मैं यहां पर इस बारे में मतभेद व्यक्त करने के लिये खड़ा हुआ हूं। एक प्रश्न में अवश्य मतभेद नहीं हो सकता कि भारत के किसी भी नागरिक पर इस कानून के कारण अन्याय नहीं होना चाहिये। किसी भी धर्म का, किसी भी जाति या किसी भी पन्थ का कोई व्यक्ति इस देश में रहने वाला हो, उस पर अन्याय नहीं होना चाहिये। इस के बारे में कोई मतभेद नहीं हैं। परन्तु मैं यह बतलाना चाहता हूं कि यह जो इवैक्वी प्रापर्टी एक्ट हैं, परसों जो कानून बनाया गया, उस कानून से इस देश में रहने वाले या देश के बाहर जाने वाले किसी भी व्यक्ति पर हमें अन्याय नहीं करना चाहिये, न कहीं अन्याय हुआ ही हैं। मैं तो उल्टे यह बताना चाहता हूं कि इवैक्वी प्रापर्टी को ले कर भी हम ने यहां से जाने वालों को बड़ा दान दिया हैं। बात यह हैं कि जब इवैक्वी प्रापर्टी आर्डिनेन्स निकला और एक्ट हुआ तब उस का उद्देश्य ठीक था कि जो लोग इस देश को छोड़ गये, या अपनी सम्पत्ति छोड़ गये, उन की सम्पत्ति की देख भाल करने के लिये यह कानून बना था। लेकिन जब उन की सम्पत्ति की देख भाल करने के लिये हम यहां बैठे तब मालूम हुआ कि जो बेचारे हमारे पुरुषार्थी और शरणार्थी भाई हैं उन्होंने जिन लोगों ने अपनी सम्पत्ति को यहां छोड़ा उन से कई गुनी सम्पत्ति पाकिस्तान में छोड़ी हैं। जितनी सम्पत्ति यहां के लोग छोड़ गये उस से चार गुनी सम्पत्ति हमारे पुरुषार्थी भाई यहां छोड़ कर चले आये। चार गुनी सम्पत्ति हम ने उन को दान में दी। यहां से जो एक घर छोड़ कर गये उन के लिये यहां चार घर छोड़े, जो एक छोटी जमीन का टुकड़ा छोड़ गये उन के लिये हम ने बड़ी बड़ी जमीनें वहां दे दीं। उन पर इतना बड़ा उपकार करने के बाद जो बेचारे पुरुषार्थी यहां चले आये, जिन्होंने यहां से जाने वालों के लिये इतनी बड़ी सम्पत्ति छोड़ दी। आखिर उन के लिये अगर कोई प्रबन्ध सम्भव था तो वह इवैक्वी प्रापर्टी से ही सम्भव था। इस लिये इवैक्वी प्रापर्टी की देख भाल करने का जो उद्देश्य इस एक्ट का था उस का सम्बन्ध पुरुषार्थियों को कम्पेन्सेशन देने का जो प्रश्न हैं उस से हुआ। आज जब हम सोचते हैं कि इस कानून को समाप्त होना चाहिये उस समय हमें यह देखना हैं कि हम जो कम्पेन्सेशन उन लोगों को देने वाले हैं, बरसों से जो पूल हम ने बनाया हैं वह भी इसी चीज पर बना हैं, उस में जो पैसा हैं उस से हम कितनी रकम दे सकेंगे। मुख्तलिफ प्रापर्टी पूल बने हुए हैं। इस इवैक्वी प्रापर्टी पूल से हम लोगों को कम्पेन्सेशन देने वाले हैं। वह कम्पेन्सेशन देने के बाद मैं पूछना चाहता हूं कि क्या आज ऐसा समय आ गया हैं। मैं यह मानता हूं कि आज इस देश में शान्ति हैं, किसी भी प्रकार की कम्यूनल ट्रबल नहीं हैं, यह भी मैं मानता हूं, लेकिन क्या इस देश के अन्दर आज इस तरह की साम्प्रदायिकता, जिस को कि कांग्रेस से उत्तेजना मिल रही हैं, देश में नहीं चल रही हैं? क्या इस देश में रहने वाले लोग आज पाकिस्तान नहीं जा रहे हैं? यहां से सम्पत्ति ले कर जाने वालों की संख्या हर एक प्रदेश से हमारे सम्मुख आ रही हैं, यू० पी० के उदाहरण हैं, भोपाल के उदाहरण हैं जो कि हमारी आंखों के सामने आ रहे हैं।

प्राकृतिक संसाधन तथा वैज्ञानिक गवेषणा उपमंत्री (श्री के० डी० मालवीय): जहां आप के चरण पड़ेंगे वहां ऐसे ही होगा।

श्री बी० जी० देशपांडे : यह आप के चरणों के कारण हो रहा है। इस देश के अन्दर आपने जान बूझ कर किसी न किसी संस्था को उत्तेजना देना शुरू किया है, आपकी छत्र छाया में कितनी साम्प्रदायिक संस्थायें पनप रही हैं जो कि आप की ही मुखालिफत कर रही हैं।

इस देश में मुसलमान शान्ति से रहते हैं लेकिन उनमें झूठी और कृत्रिम अशान्ति पैदा करके उनको पाकिस्तान में भेजने का उत्तेजन आपकी छत्र छाया में मिल रहा है। इसी कारण इस देश के लोग उस तरफ जाना चाहते हैं। और वे करोड़ों रुपये की सम्पत्ति लेकर जाना चाहते हैं। इसका एक ही कारण आपका यह इवॅक्वी प्रापर्टी एक्ट है। जो प्रापर्टी इवॅक्वी पूल में आने वाली थी या आ सकती थी इस प्रास्ताव द्वारा आप उसको बेचकर पाकिस्तान जाने की लोगों को अनुमति दे रहे हैं। और इसी कारण मैं पूछता हूं कि आप इसको क्यों समाप्त करना चाहते हैं। मैं यह बात मानने के लिए तैयार हूं कि आप नार्मल्सी लायें लेकिन फिर आपने यह धारा १६ किस कारण कायम रखी है। रेस्टोरेशन आफ प्रापर्टी का विधान आपने समाप्त किया नहीं आपने यह चीज रखी है कि कस्टोडियन जनरल के पास जाने के पश्चात सरकार के पास आ सकती है। सरकार ने अपने हाथ में इतनी शक्ति कायम रखी है। इस इवॅक्वी प्रापर्टी पूल से आप कम्पेन्सेशन देने वाले हैं। लेकिन उसको कम करने के लिए रेस्टोरेशन आफ प्रापर्टी की धारा आपने इसमें कायम रखी है। करोड़ों रुपये की सम्पत्ति वे लोग ले जायंगे जो कि वहां के हैं या वहां जाने वाले हैं। यह तत्व मुझे मान्य है कि इस देश में रहने वाले एक भी नागरिक के साथ अन्याय नहीं होना चाहिए। लेकिन उसके साथ ही साथ मैं यह भी आग्रह करना चाहता हूं कि ७० लाख लोग जो कि अपने घर बार छोड़ कर आये हैं उनके साथ अन्याय करना भी कोई बड़ी उदारता नहीं है। मैं तो चाहूंगा कि आप इन ७० लाख लोगों के प्रति अधिक उदारता प्रदर्शित करें। इसलिए आप इवॅक्वी प्रापर्टी को न तोड़ दीजिये। मैं इसका विरोध इस कारण करना चाहता हूं कि जैसा आनरेबिल मिनिस्टर जानते हैं, आज दिल्ली में ऐसे बहुत से लोग बैठे हुए हैं जिनके रिश्तेदार पाकिस्तान में रहते हैं, जिनको यहां से पैसा भेजा जाता है। उनकी जायदाद यहां पड़ी हुई है। एक आध आदमी यहां रहता है जिससे कि उनको आप इवॅक्वी न कह सकें। इसी कारण मैं कहता हूं कि आप नारमेल्सी ले आयें लेकिन कम से कम आप इस प्रकार का कानून लायें कि १९५४ के पूर्व जिनकी सम्पत्ति इवॅक्वी प्रापर्टी घोषित हो गयी है उस सम्पत्ति को इवॅक्वी पूल में आना चाहिये यह न करते हुए आप १९५४ के बाद इस कानून को समाप्त करना चाहते हैं।

Mr. Chairman: The hon. Member will please addresse the Chair.

श्री बी० जी० देशपांडे : इसके आगे चल कर हमारे मंत्री महोदय ने कहा है कि मैं ने जो फर्क किया है वह कोई बहुत बड़ा फर्क नहीं है। वह छोटा फर्क है। पहले तो यह था कि :

> "The property of any person who has done any of the acts specified in sub-clauses (i), (iii), (iv) and (v) of clause (d) section 2 before the 7th day of May 1954."

इसके पश्चात आज जो संशोधन हमारे मंत्री महोदय सदन के सम्मुख लाये हैं उसमें २. के बजाय आपने १वी० सब क्लाज इसमें डाला है और उसके दो एक्सप्लेनेशन दिये हैं। इसके अन्तर्गत मेरी समझ में जो पहला है उतना कायम रहता है बाकी सब को

आपने निकाल दिया हैं। यह बड़ी सारी बात इसमें हैं। आप जो यह अमेंडिंग बिल लाये हैं इसमें यही मुख्य धारा हैं। इसमें आपने ओरिजिनल कानून से बुनियादी भेद किया हैं। आप इस कानून को इस तरह बना रहे हैं कि इसके पश्चात कोई आदमी भी अपनी जायदाद बेच सकेगा। इसके साथ इसमें एक और बुराई हैं जिसको पढ़कर मैं हैरान हो गया कि इसके अनुसार कोई प्रापर्टी इस पूल में आ सकती हैं या नहीं। इसमें कहा हैं :

> "the property of any person who on account of the setting up of the Dominions of India and Pakistan or on account of civill disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India"

यह तो पहला हैं, लेकिन इसके आगे जो बड़ा भारी संशोधन आपने किया हैं वह यह हैं :

> "and who on the 7th day of May, 1954, was resident in Pakistan."

यानी इसमें यह रखा कि वह पाकिस्तान का रेजीडेंट हैं। वह हिन्दुस्तान छोड़कर गया यह हमारे लिए काफी होना चाहिए था। लेकिन उस दिन वह पाकिस्तान का भी रेजीडेंट हैं या नहीं यह बात हमारी समझ में नहीं आती। उस दिन वह पाकिस्तान को छोड़कर किसी और देश में चला जा सकता हैं। हो सकता हैं कि वह ६ मई तक पाकिस्तान में रहता हैं और ७ मई को बाहर चला जाता हैं। तो उसकी प्रापर्टी को आप इवैक्वी प्रापर्टी नहीं बनाते हैं। इस प्रकार का यह कानून आप बना रहे हैं।

चैयरमैन महोदय, मैं इस बिल की बहुत डिटेल में नहीं जाना चाहता। तत्वतः मेरा विरोध एक ही कारण से हैं और वह कारण यह हैं कि जो परसों आपने विधेयक बनाया हैं उसके अनुसार हमारे रिफ्यूजी भाइयों को काफी कम्पेन्सेशन मिलेगा लेकिन इससे मालूम होता हैं कि वह बहुत कम हो जायगा। मैं इस कानून को समझ सकता था यदि इवैक्वी प्रापर्टी और कम्पेन्सेशन का सम्बन्ध न होता। अगर ऐसा होता तब तो हम कहते कि सरकार सारी प्रापर्टी दे दे पर हमको पूरा कम्पेन्सेशन दे। बात यह हैं कि जब इवैक्वी प्रापर्टी ला आता हैं तो आप कहते हैं कि आपको कम्पेन्सेशन मिले आप झगड़े में क्यों पड़ते हैं, और जब कम्पेन्सेशन देने का समय आता हैं तो सरकार अपनी तरफ से कम्पेन्सेशन में कंट्रीब्यूशन ज्यादा देना नहीं चाहती और कहा जाता हैं कि जो कम्पेन्सेशन मिलना हैं वह केवल पूल से ही मिलेगा। इस लिए हम चाहते हैं कि यह इवैक्वी प्रापर्टी का पूल किसी प्रकार तोड़ा न जाय। हम आज देखते हैं कि अगर यह कानून पास हो गया तो करोड़ों रुपया जो इस पूल में होना चाहिए वह पाकिस्तान चला जायगा। इस लिए हम इस विधेयक का विरोध करते हैं। और मैं तो यह प्रार्थना करता हूं कि क्यों इतनी जल्दबाजी में यह बिल लाया जा रहा हैं। स्वयं मंत्री महोदय के बरताव से मालूम होता हैं कि वे जल्दबाजी में यह बिल ला रहे हैं। बिल लाने के पश्चात वे दो अमेंडमेंट लाये और फिर आज भी एक अमेंडमेंट लाये हैं। इससे प्रतीत होता हैं कि इसमें सुधार होने का बहुत कुछ अवसर हैं। सिलेक्ट कमेटी के अन्दर आप जाना नहीं चाहते। जनमत भी आप इस पर लेना नहीं चाहते। और साथ ही जो भाई बंगाल और पंजाब से आये हैं उनमें से किसी के साथ अन्याय नहीं करना चाहते। जैसा मैं ने प्रारम्भ में कहा कि इस देश के

[श्री वी० जी० दंशपांडे]

रहने वाले किसी भी नागरिक के साथ अन्याय करने की हमारी इच्छा नहीं है। और आप इस देश को जो छोड़ कर गये हैं उनके साथ भी अन्याय नहीं करना चाहते। जितनी उदारता आपने एक तरफ दिखायी है उतनी दूसरी तरफ भी आपको दिखानी चाहिए। इस देश में आने वाले रिफ्यूजीज के साथ भी न्याय किया जाय क्योंकि उनकी सम्पत्ति पहले ही छीन ली गयी है। अब इस विधेयक के पास होने से यहां की सम्पत्ति भी वहां चली जायगी और रिफ्यूजीज की आशा पूरी नहीं होगी। इस लिए मैं इस विधेयक का विरोध करता हूं। मैं प्रार्थना करूंगा कि पहले तो यह विधेयक यहां स्वीकार ही नहीं होना चाहिए और अगर यह सम्भव न हो तो उसको जनमत जानने के लिए ३० नवम्बर तक के लिए भेजा जाना चाहिए। बस इतनी ही मेरी प्रार्थना है।

شری ایم - ایچ - رحمان (ضلع مرادآباد، مدھئے) - سبھا پتی جی - میں اس بل کا سمرتھن کرنے کے لئے کھڑا ہوا ہوں اور میں یہ سمجھتا ہوں کہ واقعی ہمارے اس ہاؤس میں اس بل کو بہت ہی بروقت لایا گیا ہے - جیسے ابھی ہمارے منسٹر صاحب نے فرمایا کہ دو بل جو آگے پیچھے آئے ہیں اصل میں وہ دو پارٹ اور دو حصے ہیں ایک بہتر طور سے معاملے کو درست کرنے کے - ایک حصے میں یہ دیکھتے ہوئے کہ پاکستان ایمانداری پر آج نہیں آیا اور سر نے جس طریقے سے اس مسئلے کو حل کرنا چاہئے تھا ایمانداری کے ساتھ اس طرح حل نہیں کیا - ہمارے پاس دو ہی راستے تھے - ایک راستہ یہ کہ دونوں حکومتوں کے درمیان کوئی ایگریمنٹ ہو اور اس میں ایمانداری کے ساتھ جو ہماری جایدادیں پاکستان میں چھوڑی گئی ہیں جو ہمارے ریفیوجی بھائیوں نے چھوڑیں ان کا اور یہاں کا مقابلہ کرکے ایک انصاف کے ساتھ لین دین ہوجائے - لیکن پاکستان اس بات کے لئے آمادہ نہیں ہے تب ہمارے لئے دوسرا راستہ ہے - وہ راستہ یہ ہے کہ ایک طرف یہاں جتنی جایدادیں چھوڑی گئی ہیں ان کو ویسٹ کریں اور مالکانہ حیثیت سے اس پر قبضہ کریں تاکہ رفیوجیز کو جس حد تک ہم معاوضہ دے سکتے ہیں دے سکیں - معاوضہ کی بحث پچھلے بل میں کافی آ چکی ہے اسے بار بار دہرانا نہیں ہے - یہ مانا گیا ہے - منسٹر صاحب نے بھی مانا ہے ہاؤس نے بھی مانا ہے کہ جتنا معاوضہ ملنا چاہئے اس کے مقابلے میں بہت کم ہے اور کوشش کرنا چاہئے اور بھی راستوں سے کہ ان مصیبت زدوں کو جو یہاں ہیں - پاکستان سے آئے ہوئے ہیں ان کو مدد ملنی چاہئے - لیکن اس کے ساتھ ساتھ جس طریقے سے ایک طرف یہ بات ہے اسی طرح دوسری طرف یہ بات بھی ہے کہ اس پابندی کے ساتھ جس سے کہ ہم نے اویکوی پراپرٹی بل میں اب تک پابندی لگا دی ہے - اس میں غیر نکسی بسنے والوں کو ان کو آپ مسلمان کہہ لیجئے یا غیر نکسی

آدمی جن کو نوٹس بورڈ وغیرہ کو
دیکھنے کا موقعہ نہیں ملتا وہ اس کی
لپیٹ میں آجاتے ہیں - اگر انہوں
نے اپنے لئے کوئی چارہ بھی تلاش کر
لیا تو بعض دفعہ ایسا ہوتا تھا کہ
ان کو یہ پتہ نہیں چلتا کہ ہماری
جایداد کب ویسٹ کر دی گئی کب
نکاسی بنا دی گئی - میرا ارادہ نہیں
ہے پاکستان جانے کا ایک مدت اور
ایک سیکنڈ کے لئے بھی لیکن میری
جایداد نوٹس بورڈ پر اویکوئی بنا دی
گئی اور مجھے اس کے بارے میں
کچھ پتہ نہیں اور اپیل کے لئے جو دو
مہینے کی مدت ہوتی تھی - وہ ختم
ہو گئی اب قانون کے مطابق ٹائم بارڈ
ہوگیا اسلئے میں اس کی اپیل نہیں کر
سکتا - ایسی تمام باتوں کو سامنے
رکھ کر ایسی صورت بہم پہنچانے کی
کوشش کی گئی کہ کسی طریقے سے
ٹکنیکل گراونڈ پر یا کسٹوڈین کے
متعصبانہ آرڈر کے مطابق ہزارہا آدمی
جو فیر نکاسی ہیں وہ نکاسی بنا دئے جایں
اس لئے ان کے ساتھ انصاف نہیں
کیا گیا کیونکہ ان کو بھی یہیں رہنا ہے
وہ بھی یہاں کے باشندے ہیں - جیسا
کہ ابھی آنریبل میمبر نے کہا کہ یہاں
کے بسنے والے کسی ویکتی کو کوئی
دھکہ نہیں پہنچانا چاہتے کوئی اس کے
ساتھ انیائے نہیں ہونا چاہئے لیکن
عمل ایسا رہا ہے کہ اس میں ہزاروں
آدمی اس انیائے کے نیچے آئے ہیں -
اس کے ساتھ ساتھ آپ یہ دیکھیں کہ
کہ ان کو بہت پریشانی اٹھانی
پڑتی ہے اور ان کی اس میں زندگی دوبھر
ہو جاتی ہے - اب تک ان سات
برسوں میں جس طرح ان کی زندگی
پر اس کا اثر پڑا ہے وہ اس کو بہتر
جانتے ہیں - آپ کو یاد ہوگا کہ
مختلف اسٹیچوز پراپرٹی بل اور
ایکٹ کی شکل میں آئی ہیں اور اس
اعتبار سے ہزاروں آدمی ایسے ہیں کہ جو
فیر نکاسی تھے اُنہیں نکاسی بنا دیا گیا ہے -
مثلاً ہم نے یہ دیکھا کہ شروع شروع میں
یہ بات تھی کہ قانون کے اندر کوئی
شخص بھی اگر اپنی جگہہ سے
ڈسپلیسڈ ہو گیا اور وہ اس کا انتظام
نہیں کر سکتا ہے - وہ نکاسی بن جاتا
ہے حالانکہ وہ ہندوستان میں ہی ہے -
ایک جگہہ سے اکھڑ کر دوسری جگہہ
چلا گیا لیکن اس وقت قانون کے پیش
نظر یہ بات ضروری تھی - اس وجہ
سے سیکڑوں اور ہزاروں آدمیوں کو
نقصان پہنچا اور وہ تمام جایدادیں
کسٹوڈین کے قبضہ میں آ گئیں -
اس طرح ٹکنیکل گراونڈ پر دوسری
اور بھی دشکلیں رہیں مثلاً قانون
کے مطابق پیسہ نہیں دیتا ہے
نوٹس بورڈ پر یہ بات لکھ دینا
کافی ہے کہ فلاں جایداد کو ہم ویسٹ
کر رہے ہیں - نکاسی جایداد کر رہے
ہیں - اس کے لئے پرسنلی اس کے
اس نوٹس سرو کرنا ضروری نہیں ہے
وہ اس کی بنا پر جاہل ان پڑھے
آدمی بلکہ میں تو کہونگا کہ پڑھے لکھے

[شری ایم - ایچ - رحمان]

مسٹر صاحب کی نولیج میں دیر سے لائی اور انہوں نے مجھ سے فرمایا کہ کاش تم اسی وقت میرے سامنے لاتے تو ان کے خلاف قانونی کاروائی کی جاتی کہوں کہ انہوں نے قانون کی خلاف ورزی کی ہے - مجھے ایک مثال دیلی تھی وہ دے دی - ابھی ایک آنریبل ممبر نے مجھے آصف علی تک کی مثال یاد دلائی - ایک مرتبہ کا ذکر ہے روشن آرا گارڈن کے اندر ایک پارٹی ہو رہی تھی اور جس میں کہ ہمارے پچھلے کسٹوڈین جنرل شری اچھرو رام موجود تھے اور جو میرے برابر بیٹھے ہوئے تھے ان سے مخاطب ہو کر مسٹر آصف علی اچھرو رام صاحب سے کہنے لگے کہ آصف علی جو گورنمنٹ آف انڈیا کا گورنر ہے اور جس کو کہ ہر شخص جانتا ہے اس کی بھی پراپرٹی اویکوی پراپرٹی ہو سکتی ہے تو اس کے لئے آپ کیا کہینگے ؟ مگر اچھرو رام کوئی جواب نہ دے سکے - آپ غور کیجئے کہ کس کس طریقے سے حالات پیش آئے - ان حالات کے ہوتے ہوئے بھی یہ غلط طور پر نکاسی بنائے ہوئے مسلمان یہ سمجھتے تھے کہ جب حالات بدلینگے تو ہم اپنی جائداد پا سکینگے اور ہم کو انصاف مل سکے گا آج جو ہماری جائدادیں کسٹوڈین نے لے لی ہیں وہ کسی دن پھر ہمارے ہاتھ میں واپس آ جائینگی - لیکن ہم نے دیکھا کہ مسٹر صاحب ایک پارٹ آج بھی کیا ہو رہا ہے اور میں تھوڑا اس کی طرف اشارہ کرتا ہوں - یہاں ایک مشہور لیڈر ہیں مولانا احمد سعید سب ان کو جانتے ہیں وہ ان لوگوں میں سے ہیں جنہوں نے پاکستان بننے کی مخالفت کی ہے - ایک دن میں ان کے مکان پر بیٹھا تھا کہ ن کے پاس نوٹس پہنچتا ہے کہ ہمارا ارادہ تمہاری جائداد کو اویکوی پراپرٹی بنانے کا ہے اس بنا پر کہ تم پاکستان جانے والے ہو یا پاکستان جا رہے ہو - میں وہاں بیٹھا تھا جب وہ بات دیکھ کر مجھے ہنسی بھی آئی اور تکلیف بھی پہنچی - اس کے بعد میں نے جا کر کسٹوڈین کے دفتر میں دریافت کیا اور کہا کہ ایک ایسا آدمی جو صبح سے شام تک حکومت کے تمام معاملات سے تعلق رکھتا ہے - جس کو کہ پاکستان میں جگہہ ملنا دشوار ہے جس کا کہ ارادہ کبھی نہیں ہو سکتا کہ وہ پاکستان جائے - آپ نے اس کو بھی اویکوی بنا دیا - تو جب ہم نے ان سے ایسا کہا تو ان کی طرف سے فرما دیا جاتا ہے کہ ہم نے جو کچھہ کیا ہے وہ قانون کے مطابق کیا ہے ہمارے نزدیک ون ٹو آل تمام مسلمان پاکستان جانے والوں میں شمار ہیں - اب یہہ بوجھہ اس مسلمان پر ہے کہ وہ اس کا جواب دے کہ وہ پاکستان جانے کے قابل ہے یا نہیں یا وہ پاکستان جائیگا یا نہیں جائیگا - میں نے یہ چیز

جائداد کے فروخت ہونے کے بارے میں آخر اویکوی یا نان اویکوی ہونے کے بارے میں ہم کب تک جھگڑے میں پھنسے رہیں - آخر آپ ایسی صورت کیوں نہ ہونے دیں کہ ایک پیسا بھی آپ کا نقصان نہ ہو - اور اس بل میں کوئی ایسی کمی نہ ہو جائے جس سے فوجی بھائیوں کو نقصان پہنچے - تیسرے انڈیا کا روپیہ - بھارت کا روپیہ پاکستان نہ جانے پائے - اس طرح سے ۱۶ آنہ تو رکاوٹ نہیں ہو سکتی - میں اس کو مانتا ہوں لیکن پھر بھی بہت کچھ رکاوٹ ہو سکتی ہے لیکن یہ سخت ظلم ہے کہ آج ایک خاص کمیونٹی پر جس کو ہر وقت اویکوی یا نان اویکوی ہونے کا خطرہ بنا رہتا ہو - جس کی جائداد بک نہ سکتی ہو - جس کو کوئی چار پیسہ دینے کو تیار نہ ہو - جو اپنے گھر میں بیٹھ کر بھی اس بات کے لئے مطمئن نہ ہو کہ اپنے گھر میں بیٹھے ہونے کے باوجود وہ اویکوی ہے یا نان اویکوی ہے - یہ تمام صورتیں باقی رہیں تو وہ کس طریقہ سے اس بات کو محسوس کرے کہ ہمارے اور آپ کے حق عملی طور پر برابر ہیں - اس کا واسطہ یہ نہیں ہے کہ جائیدادوں کو یہ کہہ کر یہ اویکوی ہے یا نان اویکوی ہے اس کا فیصلہ کرنا مشکل ہے - اس کو اپنے حق کے استعمال کرنے سے روک دیا جائے - وہ ہر وقت خطرہ میں پڑا رہے اور کس وقت اس کو اویکوی بنا کر گھسیٹ لیا جائے - تین تین چار چار سامنے لائے جس میں کہا گیا کہ ہم مالکانہ قبضہ کرنے کے بعد کمپنسیشن پول میں ان تمام جائدادوں کو دے رہے ہیں تو اس صورت میں قدرتی طور پر ان لوگوں کو جو یہاں کے رہنے والے ہیں جو ایک مدت کو بھی پاکستان نہیں جانا چاہتے ان کا یہ محسوس کرنا قدرتی ہے کہ اب ہم پر پابندی کیوں لگائی جاتی ہے - اب ہماری جائداد پر اس قسم کی پابندی کیوں عاید کی جا رہی ہے اور غیر نکاسی مسلمانوں کو نکاسی کیوں بنایا جاتا ہے - آخر ہمیں بھی تو کبھی نہ کبھی نجات ملنی چاہیئے - ساڑھے چار کروڑ کے قریب مسلمان آج اس دیش میں رہ رہے ہیں وہ بھی تو یہ محسوس کریں کہ ویدھان میں جو سب کے لئے برابری کا حق دیا ہے وہ محض ایک کتاب میں لکھی ہوئی چیز ہی نہیں رہنی چاہیئے بلکہ چلتے پھرتے روزانہ زندگی میں اور بازار میں وہ ہمارا حق نظر آنا چاہیئے - ہم بھی اسی طریقہ سے آزاد رہیں ہیں جس طرح ہمارے بھائی دیشپانڈے جی آزاد ہیں - اپنی جائداد کو بیچنے میں جس طرح ان پر کوئی پابندی نہیں ہے اسی طرح سے حفظالرحمان کو بھی پوری آزادی ہونی چاہیئے - کوئی پابندی نہیں ہونی چاہیئے - دونوں میں کوئی فرق نہیں ہونا چاہیئے - کوئی بھی پابندی نہیں ہونی چاہیئے

[شری ایم - ایچ - رحمان]

کوئی نہیں لے جا سکتا - چوری کرنے والوں کی بات دوسری ہے - اور لوگ بھی چوری کرتے ہیں - ملک میں بہت لوگ رشوت لیتے ہیں - ڈاکے ڈالتے ہیں - چوریاں کرتے ہیں - اسی طریقہ سے اگر کوئی اس راستے سے بھی چوری کرکے چلا جائے تو وہ تھوڑی مقدار کی رقم ہوگی - بڑی بڑی رقموں کو جن کا آپ حوالا دیتے ہیں مجال نہیں کہ ہمارے یہاں سے کوئی آدمی لے جا سکے - بشرطیکہ ایکسچینج کنٹرول ہو -

اس بنا پر میں اپنی تقریر کو لمبی نہ کرکے صرف یہ تائید کرتا ہوں کہ منسٹر صاحب نے گورنمنٹ آف انڈیا کی جانب سے جو اس وقت بل پیش کیا ہے تو یہ بروقت پیش کیا ہے - آپ کو ایک کمیونٹی کو جس پر اس کا قدرتی اثر پڑتا ہے ہمیشہ کے لئے اس طریقہ سے مجبور نہیں کرنا چاہئے کہ وہ ہر وقت اسی میں پھنسی رہے اور اویکوی اور نان اویکوی کی تلوار اس کے اوپر لٹکتی رہے - وہ ہر وقت یہ محسوس کریں کہ کوئی ہماری جائداد کو لینے کو تیار نہیں ہے - اس لئے کہ لوگ گھبراتے ہیں کہ اگر کل یہ شخص پاکستان چلا گیا تو میری جائداد ضبط ہو جائیگی - اس طرح سے ہر وقت یہ مشکل پڑی رہتی ہے کہ یہ اویکوی جائداد ہے یا نان اویکوی مرتبہ ڈکلیر کر دیا دیا کہ فلاں آدمی ان اویکوی ہے لیکن پانچویں بار اس کے پاس نوٹس جاری ہو جاتا ہے کہ تم کو اویکوی کیوں نہ بنا دیا جائے - اس لئے اس کی صورت یہ نہیں ہے کہ اب آپ اس سلسلہ کو جاری رکھیں اور ایک کمیونٹی کو ہمیشہ ہیریسمینٹ میں مبتلا رکھیں کہ خدا جانے مجھے کب اویکوی بنا دیا جائے - اس کی صورت دوسری ہے - اس پر فائنینس منسٹری کا کنٹرول ہونا چاہیئے - جس کے ذریعہ کوئی بھی چیز ہندوستان سے باہر نہیں جا سکتی - اس میں جتنی کڑی سے کڑی شرطیں ہیں - وہ ساری کی ساری شرطیں اور پابندیاں رکھ دی جائیں کہ کوئی آدمی اپنا روپیہ ملک سے باہر نہ لے جا سکے - مثلاً ایک آدمی اپنی جائداد بیچتا ہے اور وہ ۱۰ ہزار روپے میں بیچتا ہے تو وہ کھلی ہوئی سب کے سامنے بکیگی - اس کا رجسٹریشن ہوگا - جب وہ بکے تو اس کی جو قیمت آئے اس پر کنٹرول ہونا چاہیئے - بیچنے پر - فروخت کرنے پر کوئی پابندی نہیں ہونی چاہیئے - جب وہ بکے تو اس کے روپے پر کنٹرول ہونا چاہیئے کہ وہ روپیہ ہندوستان سے باہر پاکستان نہ جانے پائے - اس کا بہترین طریقہ یہ ہے جس طرح قانون کے ماتحت ایکسچینج کنٹرول کا طریقہ ہے اس کو اگر یہاں پر بھی رائج کر دیا جائے تو تھوڑی سے تھوڑی رقم کو بھی

جائداد ہے - چار چار دفعہ ایک ہی کرلوٹنڈ پر نان اویکوی جائداد قرار دینے کے بعد اس کو اویکوی قرار دیا جاتا ہے - ابھی پرسوں ایک صاحب پکڑے گئے ہیں - میں اس معاملہ کی تفصیل میں تو نہیں جانا چاہتا لیکن میں یقیناً جانتا ہوں کہ وہ ہندوستان سے باہر نہیں جانا چاہتے -

مجھے اس بل میں مجموعی حیثیت سے بہت سی دفعات پر اعتراض ہوتے ہوئے بھی جن کی تفصیل میں میں جانا نہیں چاہتا - میں اس بل کو سپورٹ کرتا ہوں - میں سمجھتا ہوں کہ وقت آ گیا ہے - ایک طرف رفیوجی بھائیوں کے لئے جو کچھ آپ نے کیا ہے اس کی وجہ سے وہ مضبوطی سے قائم رہیں - یہاں کا روپیہ ملک سے باہر پاکستان کو نہ جائے - اس کے لئے ایکسچینج کنٹرول کو زیادہ مضبوطی سے پورے اتکھ کے ساتھ قائم رکھا جائے - لیکن اس بل کو منظور کیا جائے تا کہ دوسری کمیونٹی بھی عملی دنیا میں محسوس کر سکے کہ وہ یہاں ہندو بھائیوں کی طرح برابر کے حقدار ہیں اور جائداد بیچنے والے سے جو خریدیں وہ بھی سمجھیں کہ اب کوئی خطرہ نہیں ہے اور سب لوگ آپس میں برابر نظر آئیں -

(English translation of the above speech)

Shri M. H. Rahman (Moradabad Distt.—Central): Mr. Chairman, I rise to support this Bill. I think it has been brought in this House at a very appropriate time. As the hon. Minister said, the two bills that have been brought one after the other are in reality two parts of the same measure to settle the matter in a better way. In view of the fact that Pakistan is not inclined to solve this problem in an honest and straightforward manner, we had only two alternatives. The first was that the two Governments should reach an agreement and the properties left by our people in Pakistan should be exchanged with the properties left here on an equitable basis. But Pakistan is not prepared for this. The other alternative is that we should take over all the properties left here and acquire their ownership, so that the refugees may be compensated to the greatest possible extent. The issue of compensation has been discussed in the previous Bill and it need not be discussed again. It has been admitted by the hon. Minister and by the House that the amount of compensation offered is not what it should be and that the refugee sufferers should be helped in other ways. At the same time I would submit that because of the restriction imposed upon the non-evacuees or the Muslims in the Evacuee Property Bill, they have been put to great hardship. They have been suffering for the last 7 years. You will recall that the Evacuee Property Bill passed through various stages and under this Bill thousands of persons, who were non-evacuees have been declared to be evacuees. For instance, previously, according to law, any person who had been displaced and could not be resettled, could be declared an evacuee, even though he remained in India. But at that time this thing was required by law. This has injured the interests of thousands of persons and all their properties have passed into the hands of the Custodian.

There were other difficulties on technical grounds. For instance, it was considered sufficient just to put up on a notice board that such—and—such property is being vested and

[Shri M. H. Rahman]

declared to be evacuee property. Serving a personal notice is not considered necessary. In this way illiterate persons and even educated people, who have no opportunity to see the notice board etc., are brought within its orbit. Even if they have found a way out, they have no means of knowing when their property has been declared evacuee property. One does not at all intend to go to Pakistan, yet one's property is notified as evacuee property and one has no knowledge about it. Two months elapse, the case becomes time-barred and one cannot even file an appeal. It would not be just and proper to declare thousands of non-evacuees as evacuees on technical grounds or simply under the orders of the Custodian. They are to live here and they are as good citizens of India as others.

As the hon. Member has said no injustice should be done to any of the persons residing here. But as a matter of fact, thousands of persons have suffered this injustice. I would just give one instance. Maulana Ahmed Said is a well-known leader and he is one of those who opposed the creation of Pakistan. One day, when I was present at his house a notice was served upon him to the effect that since he was leaving or intended to leave for Pakistan his property was likely to be declared as evacuee property. This caused mixed feelings of amusement as well as concern. I went to the office of the Custodian and told him that he had declared as evacuee a person who was in constant touch with the affairs of Government and who could not even dream of migrating to Pakistan. I was told that the action taken was strictly according to law and that according to law every Muslim was supposed to be an intending migrant to Pakistan. Now the onus is on the Muslim to prove that he does not intend to migrate to Pakistan. I was too late in bringing this to the notice of the hon. Minister, for he told me that had I drawn his attention to that matter at that time, legal action would have been taken against the officer concerned, because he had acted in contravention of law. I just wanted to give an instance. An hon. member has just now related how Shri Achhru Ram, a former Custodian General said at a party in Roshanara Garden that even the property of the late Asaf Ali, Governor, could be declared as evacuee property. These circumstances are to be borne in mind. The so-called evacuee Muslims believed that on the situation becoming normal, all their properties taken over by the Custodian would one day revert to them. But when we find the hon. Minister saying that after acquiring ownership of these properties, these are to be put into a compensation pool, it is natural for those persons who are inhabitants of India, and who do not at all intend to go to Pakistan to resent the imposition of the restriction. There are 4½ crores of Muslims in this country. They ought to feel that the right of equality (of opportunity) guaranteed by the Constitution is not just an empty phrase, but a practical reality. I am as much a free man as my friend Shri Deshpande. Just as he is under no restraint in the matter of the alienation of his property, similarly I, Hifzur Rahman, should also have perfect freedom. There should not be any kind of restraint on me. There should be no discrimination as between the two. There should be absolutely no restriction on the sale of property. How long are we to remain in suspense as to whether we are evacuees or non-evacuees? You want firstly that you should not suffer the slightest loss, secondly that there should be no reduction in the pool to the detriment of the refugees and thirdly that India's fund should not find their way to Pakistan. Now, it may not be possible to have an absolute bar of that kind. But that does not mean that a whole community should be placed in a constant fix, as to whether one is an evacuee or a non-evacuee. One cannot sell one's property. One cannot raise a loan. One rests at home but has a lingering sense of uncertainty as to

whether one is evacuee or non-evacuee. If such is the state of affairs how am I going to feel that there is practical equality of rights as between you and me? This is not the way. It is difficult to decide about a property whether it is evacuee or non-evacuee. One is prevented from exercising one's right. One is always living in fear, for one may at any time be dragged in and declared an evacuee. There have been cases where a person was declared a non-evacuee three or four times, yet he was served with a notice, the fifth time, to show cause why he should not be declared an evacuee. This is not the right line of action. You should not continue the present procedure which subjects a community to constant harassment. There is an ever present fear that one may be declared an evacuee at any time. There is another way. These matters should be under the control of the Ministry of Finance. Let nothing be allowed to be taken out of India. Let the strictest possible conditions be imposed so that nobody should be able to remove his funds from out of the country. For instance, a person sells his property for ten thousand rupees. It is going to be an open sale. It will be registered. Now, there should be control on the sale-proceeds, but none on the sale itself. There should be control on the sale-proceeds lest the amount is sent out of India to Pakistan. The best means to achieve that object would be to apply the exchange control regulations in accordance with the international law. That would make it difficult for anyone to remove even very small sums of money. Thefts are a different matter. So many others do it. There are so many people in the country who indulge in corruption, commit dacoities and thefts. If someone escapes with money in that manner the amount thus involved is not likely to be big, for, with exchange control in action, it will not be possible for anyone to remove any big amount.

Without prolonging my speech unnecessarily, I wish to affirm that the present Bill that has been brought forth by the Government of India is timely. You must not keep a certain community—the one that is naturally affected—under a constant restraint and a constant suspense about his status being that of an evacuee or a non-evacuee, hanging over his head like the sword of Damocles. Let him not always be nursing the feeling that nobody is prepared to buy his property, for the would-be buyer has an apprehension that if the vendor goes over to Pakistan the property would be confiscated. There is an ever-present difficulty. Is the property evacuee property or non-evacuee? A property that has four times been declared non-evacuee property has finally come to be declared evacuee property the fifth time and on the same ground. Only the other day, a certain gentleman was roped in. Without entering into the details of the case I can say with confidence that that gentleman has no intention of leaving India.

Although I have objection to a number of clauses of the Bill I do not wish to go into details and I support this Bill. I think that time has come when our refugee brethren may feel secure and stable as a result of the efforts that you have made for them and when this country's capital should not be allowed to be removed to Pakistan. For this, let the exchange control regulations be rigidly enforced but let this Bill be passed so that the other community may feel like the Hindus that it has equal rights and the buyers may feel safe in buying property and there should be a prevailing sense of equality.

Shri N. C. Chatterjee: The Rehabilitation Minister's report to Parliament for the year 1953-54 started with the following sentence:

> "The Partition in August 1947 violently uprooted the entire Hindu and Sikh population of West Pakistan and brought it *en masse* to India. It had its repercussions in East Pakistan as well ....."

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You know it had not merely repercussions in that part of the country, but it also brought great disaster and tragedy to the Bengal State, to which you and I belong. According to Government's figures, about 47 lakhs came from West Pakistan, while about 32 lakhs of persons came from East Bengal. But as you know, after the regrettable collapse of Fazlul Huq's Ministry, again the exodus into my city has started, and thousands of refugees are pouring into Calcutta and into West Bengal.

I want to assure my hon. friend Maulana Hafzur Rahaman that there is absolutely no intention to go against the interest of any Indian national. But what I am afraid is that this Bill as drawn provides some loopholes for Pakistani people and pro-Pakistani elements in this country, and these loopholes must be plugged. But they have not been plugged. On the other hand, the amendments given notice of by the hon. Minister will make it easier for these people to dispose of their assets in India, and to transfer those assets to Pakistan.

The Administration of Evacuee Property Act, 1950, was brought on the statute-book, to replace various ordinances and statutes that had been promulgated in different States, with a view to take charge of the properties in India, which had been abandoned by people who had gone to Pakistan, and it was meant really for the purpose of helping the refugees.

My hon. friend Shri A. P. Jain has just now read out to you the purport of the judgment of the Supreme Court of India in Ibrahim Abu Bakar's case. In that judgment, Justice Ghulam Hussain is saying:

> "The object and scheme of Act XXXI of 1950, is to provide for administration of evacuee property, so that those properties may be ultimately used for compensating the refugees who have lost their properties in Pakistan."

I am sorry to say that the way the hon. Minister has tried to abrogate the law, as he says in his opening address, will, to a large extent, put in peril the very object and purpose of this Act. What is he going to do now? If you look at the definition of the word 'evacuee' under section 2(d) of the Act, you will find that there are five categories of persons. The first sub-clause reads:

> "'Evacuee' means any person who on account of the setting up of the Dominions of India and Pakistan, or on account of the civil disturbances or the fear of such disturbances leaves, or has on or after the first day of March 1947 left, any place in a State for any place outside the territories now forming part of India."

Therefore, our object was to declare any person evacuee, who leaves India after the 1st of March 1947 either for the creation of Pakistan, or for the purpose of avoiding civil disturbances. The hon. Minister has now tabled an amendment to this. If you look at that, you will find that it is a very serious amendment or addition that he is introducing. I do not know why he is introducing it. What is the purpose of it? It is a very serious thing. Clause 3 of the Bill as drafted seeks to introduce a new section 7A in the Act, which will read:

> "Notwithstanding anything contained in this Act, no property shall be declared to be evacuee property on or after the 7th day of May, 1954...."

The first proviso to that is that in pending cases, property can be declared evacuee property. That is intelligible. In the second proviso, he has put down the property of any person who has done any of the acts specified in sub-clauses (i) to (v) of clause (d) of section 2.

2 P.M.

I have already read to you section 2(d)(i). In the Bill as originally drafted, all the categories of persons

who came within the description of evacuee under clause (d) of section 2 would be roped in excepting one. There were sub-clauses (i), (iii), (iv) and (v)—only he omitted (ii). Now, he has introduced an amendment which is vitally altering the whole thing. If you will kindly see, the amendment says:

> "for lines 1 to 3, substitute—
>
> "(b) the property of any person, who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March 1947, any place now forming part of India and ....."

These are the additions he is making—

> "who on the 7th day of May 1954, was resident in Pakistan".

Why are you introducing this addition? Would it be possible for any Custodian or Deputy Custodian or any of his officers to prove that a person who had left India satisfied the conditions prescribed in sub-clause (b)? He can say easily that he left India after this particular date. But can he say that on this particular date, heaven-appointed date, 7th May 1954, he was actually residing in Pakistan? Is it possible? It may be that generally he can say that he lived there in Pakistan for sometime. Supposing he was there up to the end of April, but in the month of May he had gone somewhere. Suppose he was there for three years and then he went to England for a trip, or he got a foreign appointment under the Pakistan Government or any other Government. Then he escapes. Is it possible to throw the onus on our people? You are really providing loopholes by this kind of addition to this statute whereby many people would escape. My point is this: The definition of 'evacuee' in our Act was deliberately framed for the purpose of roping in people who left India after the 1st March 1947, and also people who had acquired in Pakistan any property left by Hindu evacuees or Sikh evacuees. Suppose some person goes there, takes an allotment from the Custodian-General of Pakistan of Hindu property or Sikh property and is enjoying it. Section 2(d)(iii) says:

> "who has, after the 14th day of August 1947, obtained otherwise, than by way of purchase or exchange, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan".

That is in Pakistan—where Hindus and Sikhs have left property worth crores of rupees—if a man goes there, takes an allotment of a Hindu property or Sikh property and lives there, then under this Act, he becomes an evacuee. He ought to be made an evacuee. He has no business to go and say: 'Give me Hindu property' and come here and ask for relief. He cannot do it. Of course, in the case of purchase, our Act was just. Parliament in its wisdom passed a fair Act. If it is a case of purchase or exchange, there is no difficulty. But if there is no purchase, if there is no exchange, if he takes it that way, then he becomes an evacuee. My hon. friend is really omitting that clause. He has now omitted the clause which he had put in in the original Bill. It is a serious matter. I appeal to this House to consider the effect of that amendment. He is pandering to Pakistani people, consciously or unconsciously—I hope, unconsciously. You are really providing some loopholes to people who want to get out of this country after disposing of properties which are, in fact, evacuee properties. That ought not to be allowed. Under the Bill, as it was originally drafted, it is said:

> "the property of any person who has done any of the acts specified in sub-clauses (i), (iii), (iv) and (v) ....."

Now, he is taking it away. He is taking it away in a manner whereby this sub-clause (iii) is omitted. Of course, I welcome the statement of Maulana Sahib. This Parliament

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should see that nobody is allowed to sell property worth Rs. 1 lakh or even Rs. 50,000, and remove the money the next day to Pakistan. That will be an act of disloyalty to India. That will be repudiating his allegiance to India. Therefore, we have to put in this sub-clause and also sub-clause (iv) which says:

> "'Evacuee' means any person, who has, after the 18th day of October 1949, transferred to Pakistan, without the previous approval of the Custodian, his assets or any part of his assets situated in any part of the territories to which this Act extends".

That means that if anybody sells some property and transfers the money to Pakistan without the approval of the Custodian, he becomes an evacuee. He may be a Hindu, a Christian, a Muslim or anybody. That is what our Act says. That sub-clause is now being deleted. I do not know why that is being deleted. But this is a serious matter. Therefore, we are pressing that this kind of loop-hole should not be provided. I maintain that this Act was quite liberal, as it was framed. It must be admitted that it has been very very liberally construed. Even the Custodian-General, whose name had been mentioned, who was a judge of the Punjab High Court, was removed because he had given a very strict interpretation in favour of the refugees or against the Muslim evacuees. He had to give up his job. Therefore, I maintain that India has administered the Act very liberally, not at all atrociously nor improperly nor unfairly nor inequitably as against the Muslim evacuees,—that will not be a fair charge to make. Seven years have passed, and we want some amendments now. For what purpose? The purpose is that Pakistan has not behaved properly. Pakistan was approached many a time to come to a settlement with regard to evacuee property. The hon. Minister tried his best and the Prime Minister tried his best. You know after Mr. Mohammed Ali came, our Prime Minister went to Karachi. For days discussions went on. Then from there a telegram came, from our Prime Minister, and Mr. Meher Chand Khanna, the Adviser, went down to do something. They were discussing for days and days and days.

Ultimately, we were told that nothing had happened. Therefore, this Bill is being passed with the primary, the dominant object of utilising these evacuee properties to crystallise the evacuee pool for the purpose of paying compensation to the uprooted, destitute and poor refugees. That is the main purpose. Should anything be done to imperil that? Should anything be done to paralyse that pool? Should anything be done to throw open again for adjudication these thousands of cases?

Since this Bill has been on the anvil, you will be surprised to know—the hon. Minister will give you the correct figure, but we are told—that over 10,000 applications have been filed. Ten thousand applications have been filed for opening up cases which have been adjudicated upon by the Deputy Custodian, then on appeal by the Custodian, then on revision by the Custodian-General, and in some cases, even by the High Court. You will be amazed to find that there is a section here, which is being put in, which says—it is put in a very clever manner—

> "No application made under sub-section (1) shall be entertained".

This is with reference to section 16. Section 16 is a section for application for restoration of property. The Central Government can either do it themselves or refer it to the Custodian. It says:

> "No application made under sub-section (1) shall be entertained unless, before making the application, the applicant has filed all appeals and revision applications permissible under this Act against the order declaring the property of the evacuee to be evacuee property and the

Custodian-General has made a final order in the case".

Therefore, do you know what it means? Do you realise what it means? It means that he should have made the application. I am perfectly prepared to meet Maulana Sahib's point, where a case had gone *ex parte*, there was no hearing, the man was not in Delhi or anywhere, and there was no evidence. But when the man got notice, he appeared, he adduced evidence, the case went on for months, then there was adjudication, after hearing evidence, after hearing the parties, after hearing counsel's arguments, and then an appeal was preferred under section 24 to the higher authorities, I cannot understand how this is brought in. Certain cases in Delhi go to the District Judge on appeal. He sends notice to the man to appear before him. Finally, there is an adjudication, then there is a revision petition preferred to the highest authority, sometimes to the High Court. In our wisdom, we are now being asked to enact this law. You know, two negatives make a positive. 'No application shall be entertained unless this is done'. That is, an application shall be entertained if before making it, you have already preferred appeals, you have already preferred revision applications. You know it, as a lawyer. For heaven's sake, tell me: is it not against the fundamental principles of *res judicata*? I am not thinking of legalistic dogmas; I am thinking of the principles of justice and fairplay. Is this just? Is this fair? Is this fair, is this equitable; when a man has been heard, he has gone from court to court, when the entire machinery of adjudication prescribed by the statute has been completely utilised and all the courts and all the authorities have decided against you after taking evidence, even then you say he can apply for restoration? Is this application for restoration meant like our Bank Tribunal's award to circumvent, to trample under the feet the judicial determination provided by the Statute?

Then, Sir, I ought to tell you one thing. It is not an exaggeration, it is a matter of common knowledge that there are many concealed properties which have not yet been allotted to refugees and which could not be utilised for the purposes of rehabilitation. There are persons who have taken advantage of the liberality of the Act, sold their properties and transferred their proceeds. Even today there are houses in certain localities called the Muslim localities or whatever they like, which have escaped the operation of this Act. Is it fair to say that after the 7th May, 1954, no property shall be declared evacuee property, no proceedings can be taken under section 7, no notification can be issued? We are respectfully submitting for the consideration of the hon. Minister and for the consideration of our colleagues that this Bill should not be passed, in order to condone evaders of law. When we were discussing the income-tax evasion the other day, we said that if anybody had evaded the Act, if he had, in fact, transferred assets from India to Pakistan or if it is found that he has the intention to dispose of property and to spirit away the assets, then certainly he is an evacuee. If anybody is guilty whereby he becomes an evacuee or whereby his property becomes evacuee property or has to be declared evacuee property, then this Act should not give him really any charter to transfer property, to sell property or to escape the operation of law. For heaven's sake stabilise the pool, for heaven's sake sell the properties and it would be doing some good to the refugees because they have been living—I won't say false hopes—on hopes all these years. I take it that it is high time that we honour the pledges given by the Minister. If the Minister gives a pledge, it is a pledge of the whole House, it is a pledge of the whole Parliament when it is ratified by the House. Therefore, it is our clear duty, it is our national duty, it is our national pledge, it is our national responsibility to do something for the refugees to compensate them. We have got not even one-fifth in cash.

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value of the properties in India of the evacuees compared to the cash value of the properties that we have left in West Pakistan. I am not thinking of East Bengal today. What is the position? You are not giving even a fraction of what they are entitled to. Therefore, what I am saying is this; that any person who is really an evacuee, who, for all practical purposes, is a Pakistani, should not be allowed to escape the provisions of law and he should not be allowed to dispose of properties, which he has somehow or other managed to have declared as non-evacuee property before the 7th May, 1954.

I am appealing that you should not allow any law to be passed which will make this restoration of these 10,000 applications possible. It will mean that at least for three years the litigation will continue, the adjudication process will again continue. You know, however much we may criticise laws delays, these 10,000 cases or 12,000 cases or more will take years and years to be decided and, in the meantime, the whole machinery will be paralysed, and the evacuee pool will be put in the melting pot. We shall be guilty of a breach of faith—at least of belated redemption of our pledges given to the refugees.

Shri Sadhan Gupta (Calcutta—South-East): Mr. Chairman, Sir, this Bill is a very important Bill because it concerns not only the refugees but also the minorities, the most important minority in India. Now, it is incontrovertible that the evacuee law has created great misgivings in the minorities and, therefore, we should be quite clear about the principles which are to be followed in the administration of evacuee law and, in fact, in propounding any legislation on evacuee law.

I agree with the hon. Minister that this evacuee law is a very abnormal thing. It was necessitated in our country by a set of very abnormal circumstances. Our country was divided and to the shame of both the partitioned countries—both the States—we could not offer protection from the communal frenzy which was let loose in both parts of the country. Many people who would have been too glad to remain on either side of the country in their ancestral homes and to follow their ancestral avocations were forced out in spite of their best will to live in the country of their origin. They were forced out and they had to leave.

Sir, it is but a civilised principle that if a country could not give protection to its inhabitants, it should at least take upon itself the responsibility of giving them compensation and this principle could not be applied in practice because of the unreasonable attitude of the reactionary ruling class of Pakistan. It happened that those who came away to India, Hindus and Sikhs, from West Pakistan had left very much more property than the Muslims who migrated to Pakistan, because the Hindus and Sikhs were better off and the Muslims were, on the whole, not as well off as far as property is concerned. Therefore, there was a great disparity in the amount of property left behind. It was but reasonable that Pakistan should have compensated the Hindus and Sikhs who left and India should have compensated the Muslims who were forced to leave for Pakistan. But, Pakistan refused to carry out its obligation and, therefore, a pool had to be created, a compensation pool had to be created by which the amount realised from evacuee properties had to be applied for the compensation of those who had come over.

Now, in this matter, the principle that should govern is that only those properties should be touched the owners of which had finally decided to leave India. If they had finally gone over to Pakistan, it is the duty of the Government of Pakistan to rehabilitate them since the Pakistan Government has chosen to take possession of evacuee property without paying compensation and they have the funds, the wherewithal to rehabilitate those refugees who had

gone over from India. Therefore, in the case of those who have finally left for Pakistan, who have finally chosen to become Pakistan citizens, to reside in Pakistan and to sever all connections with India, their property can be appropriated for the compensation pool and they can be asked to obtain compensation from the property left behind.

But, Sir, let us be quite clear that those persons who have not left for Pakistan, who have not decided to reside in Pakistan, who had, perhaps, temporarily to shift to Pakistan in order to be sure of their safety from communal frenzy and who want to come back, their property should not be touched. People, who were forced to leave and, who are willing to come back, who have decided to come back, should not be deprived of their properties. That would be an uncivilised practice; that would be a gross injustice perpetrated on people who are Indian nationals and on people who really have as much right to protection as any other Indian national. In the administration of evacuee property laws, unfortunately what has happened is not only that these sections have been touched but it has gone even further. It has happened that even those who, for fear of communal disturbances, have shifted from one place in India to another have been harassed, have sometimes been deprived of their properties on the ground that they had become evacuees. I know of one case where the owner concerned was a government servant, had opted for Pakistan and in the option he had clearly stated that he wanted to serve in Pakistan as an Indian citizen. His whole family was here and remained in Lucknow; one son was studying in Calcutta and his property was declared evacuee property and his family was turned out of the property. This kind of thing should never happen. It creates a feeling of insecurity in the minority communities. It spoils the name of our country as a secular State and puts up a very ugly look of our persecuting one section of the citizens on the ground of religion. That should never be allowed to happen and I hope the Government will see to it that in the administration of evacuee law, no such injustice is done. From this point of view I would support the amendment to the Bill which the Minister has introduced, because the fact that a person has left for Pakistan should not be the only ground on which his property is declared evacuee property. If he comes back after the 1st March 1947, if he comes back to reside in India, if he wants to follow his avocations in India, he and his family should be assured of shelter over their heads and should not be deprived of their properties. Unfortunately, in this connection, a conflict has been created or has been sought to be created, and the attempt has proved somewhat successful also, between refugees and the minority community, the Muslim sections of our country. Because the properties in our hands are so small for rehabilitation, it has been sought to be suggested that we should take as much of Muslim properties as we can and on any pretext we should declare the property as evacuee property. We should get the properties not only of those who have gone to Pakistan but also of those who had gone to Pakistan but have come back and in this way a sort of conflict of interest has been posed between these two sections. Unfortunately, it is the Government's general policy that is responsible for it. That kind of a conflict is bound to arise when people come to feel that there is no way of rehabilitation unless we can grab someone else's property. The refugees are in a desperate plight. They are desperately in need of rehabilitation and, therefore, they cannot be blamed if sometimes they feel that they should have as much property as they can get. The obvious remedy for this situation is not to take the property of others, who are as much nationals of India as the refugees or other sections of Indians, but to seize the properties of those who can part with them. There are feudal landlords, there are princes, who have amassed properties through exploitation of the people,

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through all sorts of fair means and foul, and they have property enough to rehabilitate our refugees in a reasonable manner, but their property is not touched. I would suggest that this stringency in the compensation pool should be relieved not by seeking any property of pure Indian citizens, but by confiscating some of the properties, some of the big estates, or by requisitioning some of the very big palatial houses of princes, big landlords and feudal landlords. Thereby, I think, more property can be got than we could from our helpless minority communities. I would suggest that it is in this way, in this radical way, that the Government should proceed to rehabilitate the refugees and to put an end to this intolerable situation in which refugees are pitted against Muslims and Muslims are pitted against refugees. This disruption eats into the vitals of our whole country, and one section of the people think that "we have not enough" and the other section of the people think that "we are not wanted in this country" and in this way a potential disruption is created in the country.

Acharya Kripalani (Bhagalpur *cum* Purnea): But the Minister is not hearing this valuable suggestion.

An Hon. Member: We are here to hear it.

Shri Sadhan Gupta: The Minister is not very much interested! But I would suggest that in the best interests of the country, in the best interests of the refugees, in the best interests of Muslims and Hindus and everyone alike, this sort of rehabilitation should be tackled in right earnest.

पंडित ठाकुर दास भार्गव : जनाब चेयरमैन साहब, यह बिल एक तरह से मेजर इम्पारटेंस का बिल हैं क्योंकि आनरेबिल मिनिस्टर साहब ने फरमाया हैं कि वह इवैक्वी प्रापर्टी ला को एबोगेट करना चाहते हैं जैसा कि इसके प्रिएम्बिल में दिया गया हैं। मैं अदब से अर्ज करना चाहता हूं कि इस बिल के बारे में कि इसको एबोगेट किया जाय बहुत सी मुख्तलिफ रायें हो सकती हैं।

इस बिल के अन्दर दो चीजें निहायत जरूरी हैं। जैसा कि जनाब वाला ने सुना दो प्वांट्स आफ व्यू पेश किये गये हैं। अभी श्री हिफजुर्रहमान साहब ने फरमाया कि वह खुद इस बात के ख्वाहिशमन्द हैं कि हिन्दुस्तान का रुपया हिन्दुस्तान से बाहर न जाय और यही ख्वाहिश मिस्टर दंशपांडे ने जाहिर की हैं और दूसरे दोस्तों ने जाहिर की हैं। उसूल यह हैं कि हिन्दुस्तान की सम्पत्ति हिन्दुस्तानियों का हक हैं और यह एक ऐसा कामन हैरिटेज हैं जिसको हम दूसरे मुल्क वालों के मुकाबले में अपना हक समझते हैं। इस वास्ते यह बिल्कुल सही हैं कि यह दोनों पाइंट्स आफ व्यू इस बात में एग्रीड हैं कि हिन्दुस्तान की सम्पत्ति और लोगों के पास न जाय।

दूसरी जो झगड़े की चीज हैं वह यह हैं कि इधर कहा जाता हैं कि पूल कम न हो और उधर कहा जाता हैं कि किसी मुसलमान के साथ इस किस्म की ज्यादती न हो कि उसकी प्रापर्टी जो कि इवैक्वी प्रापर्टी नहीं हैं उसको भी इवैक्वी प्रापर्टी करार दे दिया जाय। मुझे इस किस्से को सुनकर बर्क साहब की वह स्पीच याद आ गयी जो कि उन्होंने वारन हेस्टिंग के इम्पीचमेंट के वक्त दी थी। उन्होंने एक टिकटी का जिक्र किया जिसकी ईजाद वारन हेस्टिंग के हववारियों ने की थी कि जिससे एक शख्स को और उसके बाप को टिकटी के साथ बांध दिया जाता था। वह टिकटी इस तरह की थी कि अगर उस पर बंधे हुए उन बाप और बेटों के बेत मारे जायं तो अगर बेत बाप को न लगे तो बेटे को लगे। अगर बेटा बचने की कोशिश करे तो वह अपने को तो बचा ले लेकिन वह बेत बाप को लगे और अगर बाप अपने को बचा ले तो वह बेत बेटे को लगे। इस टिकटी

की ईजाद वारन हेस्टिंग को मंसूब की गयी थी। यही हाल यहां पर दिखायी देता है। अगर रिफ्यूजीज को इस जायदाद में से मुआवजा दिया जाना है तो यह डर है कि किसी मुसलमान की जायदाद जो कि इवैक्वी प्रापर्टी नहीं होनी चाहिए वह इवैक्वी प्रापर्टी न कर दी जाय और अगर इस कानून को पास कर दिया जाता है तो डर यह है कि पूल कम हो जायगा। चाहे मिस्टर हिफजुर्रहमान साहब हों या मिनिस्टर साहब हों कोई भी यह नहीं चाहता कि किसी के साथ ज्यादती हो। लेकिन मिस्टर हिफजुर्रहमान साहब और सारे मेम्बरों की यह राय है कि यह इवैक्वी पूल बेजा तौर पर कम न किया जाय। इस टिकटी का इलाज में आनरेबिल मिनिस्टर की खिदमत में अर्ज कर देना चाहता हूं। जैसा मैं ने तीन दिन पहले अर्ज किया था मैं इस देश के रहने वालों में कोई फर्क नहीं करता। मेरा जो कि इस मुल्क में रहते हैं और जो मुसलमान यहां रहते हैं वे मेरे भाई हैं। हमारा कान्स्टीट्यूशन सिटीजन सिटीजन में कोई डिस्क्रिमिनेशन नहीं करता। मुझे अपने मुसलमान भाई उतने ही अजीज हैं जितने कि रिफ्यूजी भाई। आपने १८५ करोड़ देना मुकर्रर किया है। मैं कहता हूं कि आप इस रकम को अंडर राइट कर दीजिये और फिर जिन मुसलमानों की जायदाद आपको छोड़नी है उसको छोड़ दीजिये। मैं नहीं चाहता कि अगर बैत एक के न लगे तो वह दूसरे के लग जाय। मैं इस तरह से फैसला नहीं करना चाहता। मैं तो यह चाहता हूं कि जो पूल है उसके अन्दर कमी न आये। और साथ ही मैं यह भी चाहता हूं कि किसी की बेजा तौर पर जायदाद न ली जाय।

अब मैं आपके रूबरू अर्ज करूंगा कि एक सवाल यह है कि जिसका ताल्लुक दफा १६ में आता है। दूसरा सवाल एबोंगेट करने का है। इसमें शक नहीं जैसा कि आनरेबिल मिनिस्टर साहब ने फरमाया है कि यह ला गैरमामूली हालात में बना। परमात्मा न करे कि दो मुल्कों में ऐसा झगड़ा हो। लेकिन जो कानून बना था उसमें तो आनरेबिल मिनिस्टर साहब रिप्रेजेंटेटिव थे उन मुसलमानों के जो कि वहां चले गये जिनकी जायदाद थी। होते होते अब आनरेबिल मिनिस्टर साहब रिफ्यूजीज के रिप्रेजेंटेटिव बन गये हैं जायदाद के लिये। यह दफा १६ इसलिए बनाया गया था कि अगर किसी मुसलमान को नुकसान पहुंचता हो तो वह उसकी अपील कर सके। अब मुसीबत यह हुई कि यह जायदाद हमारे पूल में आ गयी। आनरेबिल मिनिस्टर साहब ने उस जायदाद को उस पूल में शामिल कर दिया जिससे हमको मुआवजा मिलने वाला है। अब इसमें दो तीन सवाल पैदा होते हैं। इसमें शक नहीं कि जबतक यह कानून और कायदे रहते हैं अगर किसी शख्स के खिलाफ यह शुबहा होता है कि यह इवैक्वी बन जायगा तो उसकी जायदाद को इवैक्वी प्रापर्टी करार दे दिया जायगा। मैं यह मानने को तैयार हूं कि इसकी वजह से बहुत दिक्कत होती है। लेकिन हमको यह चीज याद रखनी है कि यह सवाल हिन्दू मुसलमान का नहीं है। अगर यह कानून हिन्दुओं के लिए बना होता कि वे यहां की जायदाद का एक बड़ा चेक लेकर देश से बाहर जा सकते हैं तो, मैं उसकी भी मुखालिफत करता। मेरा आपसे सवाल यह है कि अगर आज सबको इजाजत दे दी जाय तो इसका क्या नतीजा होगा। क्या आनरेबिल मिनिस्टर साहब ने कोई आदादो शुमार दिये हैं कि कितनी जायदाद बिक जायगी। कितने ऐसे लोग मौजूद हैं जो बड़ी बड़ी जायदादों के मालिक हैं। यू० पी० में बड़े बड़े ताल्लुकेदार हैं। उनका एक आध आदमी यहां मौजूद है जिसके नाम जायदाद है और इसकी इजाजत होते ही वह जायदाद को बेचकर रुपया पाकिस्तान भेज देगा। अगर यह आदादो शुमार हमारे सामने होते और उसकी रकम ज्यादा भी न होती तब भी मैं यह अर्ज करता कि मैं नहीं चाहता कि हमारे मुसलमान

[पंडित ठाकुर दास भार्गव]

भाई वह फील करें कि जायदाद डिसपोज आफ करने के मामले में उनमें और हिन्दुओं में कोई फर्क है। लेकिन यह कितनी बड़ी चीज है इसका मैं खुद भी अन्दाजा नहीं लगा सका हूं। अगर यह बड़ी रकम है जिसकी वजह से कि हिन्दुस्तान की इकानमी पर असर पड़ेगा तो मैं नहीं चाहता कि यह इजाजत दी जाय जब तक कि सरकार इसका इन्तिजाम न कर ले कि यह रुपया रोका जा सके। हिफजुर्रहमान साहब ने जिक्र किया कि सरकार रुपये को रोकने का इन्तिजाम कर सकती है। लेकिन मैं जानता हूं कि सरकार कितनी ही रोकथाम करें रुपया ऐसी चीज है जो निकल सकता है। दो हजार रुपया तोला डायमंड आता है उसको खरीद कर स्मगिल किया जा सकता है या नोटों को स्मगिल किया जा सकता है और इस फन में बहुत से लोग माहिर हैं। तो मैं समझता हूं कि यह रुपया बाहर चला जायगा। मेरे सामने सवाल यह है कि वह रकम क्या होगी। अगर वह बड़ी रकम है तो मैं कहूंगा कि मैं अपना फर्ज अदा नहीं करूंगा अगर मैं यह न कहूं कि इस रकम को जाने की इजाजत न दी जाय। मैं आपकी तवज्जह ऐक्ट २ सन् १९५२ की तरफ दिलाना चाहता हूं। उसकी दफा ४० में हमने यह रखा था कि कस्टोडियन की प्रीवियस सैंक्शन से १९५२ से पहले कोई अपनी जायदाद बेच सकता है। कोई पाबन्दी नहीं है। और अगर कोई अपनी जायदाद बेचने के दो साल बाद तक यहां रहे तो फिर उसको क्वेस्चन करने का सवाल ही नहीं है। अगर वह जायदाद ५००० तक की हो तो उसके लिए इजाजत की जरूरत नहीं थी। इसका मतलब यह है कि ७० या ८० फी सदी आदमी जिनकी जायदाद पांच हजार से कम की है उनके ऊपर तो आज भी कोई पाबन्दी नहीं है। इस वास्ते यह कहना कि सब के ऊपर पाबन्दी है यह तो जायज बात नहीं है। लेकिन ताहम जो थोड़ा सा हिस्सा रह जाता है जिसके ऊपर पाबन्दी है और जो महसूस करता है कि उसके साथ डिसक्रिमिनेशन होता है। मैं चाहता हूं कि वह डिसक्रिमिनेशन हमारे देश की इकानमी को कायम रखने के वास्ते रखा जाय। वह डिसक्रिमिनेशन दरअस्ल उन लोगों पर है जो प्रोपाकिस्तानी हैं और जो पाकिस्तान जाना चाहते हैं। वह मौका मिलते ही अपनी जायदाद बेचकर पाकिस्तान चले जायेंगे। यह सही है कि इससे यहां के रहने वाले कुछ मुसलमानों को तकलीफ है। मैं नहीं चाहता कि उनको तकलीफ हो। लेकिन इस वकत हमको अपने मुल्क की इकानमी को देखना है। सन् ५२ में काजमी साहब ने जो तजवीज रखी थी अगर वह कबूल हो जाती तो जो चाहता वह अपनी जायदाद बेच सकता था। मुझे बहुत से लोगों ने बतलाया है, पता नहीं कि यह कहां तक ठीक है कि बहुत से ऐसे लोग बैठे हैं कि इस बात की इजाजत हो और वह अपनी जायदाद बेचकर चले जायं। मैं महसूस करता हूं कि यह कुदरती बात है कि बहुत से मुसलमान भाई यह महसूस करते हों कि वे पाकिस्तान चले जायं। अगर वहां हिन्दू रहते होते तो हिन्दुओं की भी यही ख्वाहिश होती। चुनांचे जब बंगाल का एग्जोडस हो रहा था तो मैं ने कहा था कि जो शख्स पाकिस्तान जाना चाहते हैं उनके रास्ते में रुकावट मत डालो और जो आना चाहता है उसको आने दो। उनकी जायदाद यहां रख लो। जो आदमी वहां जाना चाहते थे वे भी हमारे भाई थे और जो आना चाहते थे वे भी हमारे भाई थे। मैं नहीं चाहता था कि किसी को तकलीफ हो। इसलिए मैं ने कहा था कि जो वहां जाय उसको वहां जायदाद दे दो और जो यहां आवे उसको यहां दे दो। लेकिन मैं यह नहीं चाहता कि जो रुपया यहां के लोगों के लिए इस्तेमाल होना चाहिए उसको फिटर अवे कर दिया जाय।

आज मैं क्या नई तबदीली देखता हूं। आज क्या पाकिस्तान में कोई नया कानून इस बिल को एबोगेट करने के लिये बनाया गया है। क्या कोई ऐसा साइकोलाजीकल मूवमेंट देखा है जिससे यह महसूस हो कि यह मौजूदा कानून एबोगेट कर दिया जाय। जब आप हर एक मुसलमान को जनरल इजाजत देते हैं हर एक ऐसे शख्स को जो पाकिस्तान जाना चाहता है, अपनी सारी बड़ी से बड़ी जायदाद को बेच दें तो यह ही साइकोलाजीकल वक्त है जब कि आप इस सेक्शन को कायम रक्खें। हमको डर है कि बड़ी बड़ी रकमें यहां से बाहर चली जायेंगी। अगर कोई इनमें से रकम बाहर न भेजे तब तो ठीक है लेकिन जो जायदाद बेच कर रकम बाहर भेजे तो जरूरी और मुनासिब है कि ऐसे शख्स की जायदाद जब्त कर ली जाय, ऐसे आफेंडर्स के खिलाफ यह सेक्शन काम में लाया जायगा। ऐसे शख्स जो इस देश की सम्पत्ति यहां के लोगों के फायदे के वास्ते नहीं बल्कि दूसरे देश में उसे भेजना चाहते हैं, उन पर जरूर यह पाबन्दी आयद होगी। इस वास्ते मैं अर्ज करूंगा कि मैं इस चीज को मानता हूं कि नम्बर २ 'डी' का जहां तक ताल्लुक है उसको आप कायम रखिये। २ को वैसे का वैसा रखिये क्योंकि कोई चारा नहीं है। वह लोग पाकिस्तान में गये हैं, यहां की जायदाद का इंतजाम नहीं कर सकते, वह बहुत सी जायदाद अभी छुपी हुई है----उस को हासिल करना हमारा फर्ज है जहां तक नम्बर ३ और ५ का सवाल है उनको रखने से कोई फायदा नहीं है। पाकिस्तान की जायदाद के अन्दर अगर कोई हमारे भाई हिस्सा लेते हैं उससे फायदा उठाते हैं तो मैं नहीं समझता कि उससे हमें कोई नुकसान होगा, क्योंकि जो जायदाद यहां की है उसको तो चन्द रोज में हम खत्म करने वाले हैं और बदस्तूर तौर पर वहां भी सब जायदादें खत्म हो जायेंगी। लेकिन जहां तक नम्बर ४ का सवाल है अगर आनरेबल मिनिस्टर के पास ऐसे एदादोशुमार हैं जिनकी रू से वह समझते हैं कि बहुत थोड़ी रकम यहां से जायगी और उन्होंने ऐसे होल्स प्लग कर दिये हैं कि यहां से रकम बाहर नहीं जायेगी तब अवश्य वह जो एवनारम्पिल्टी है उसको दूर करें। लेकिन जब तक आप यह इनश्योर न कर लें तब तक मैं नहीं समझता कि इस एबोगेशन के बिल को लाने की क्या जरूरत है। हवाई स्लोगंस व थ्योरीज के पीछे भागने का कोई फायदा नहीं अभी सन् ५२ में हम कर चुके हैं, एक साल बाद क्या जरूरत है कि फौरन यह एबोगेट हो जाय, दूर हो जाय। इसके अन्दर आप इस किस्म से तरमीम कीजिये, उसको अमेंड कीजिये। आप नम्बर २ से ५ तक को हटा दीजिये लेकिन नम्बर ४ को कायम रखिये। मैं यह ७ मई सन् १९५४ की जो तारीख मुकर्रर की है इसमें कोई तत्व नहीं देखता मैं इसको पसन्द नहीं करता। मैं नहीं चाहता कि जो पाकिस्तान चले गये उनके बरखिलाफ आप कोई कानून पास करें क्योंकि उन पर हमारा कोई अख्तियार नहीं रह जाता लेकिन मैं ऐसे शख्सों के खिलाफ जरूर इस कानून को कायम रखना चाहता हूं जो यहां की जायदाद लेकर भागना चाहते हैं और यहां से रकम बाहर भेजना चाहते हैं। ऐसे लोगों के लिये मैं जरूर इस कानून को कायम रखना चाहता हूं और मैं समझता हूं कि हम गलती करेंगे अगर हम इस कानून को खत्म कर दें। दफा १६ के मुताबिक मुझे अर्ज करना है और वह यह है कि दफा १६ की रू से अगर कोई शख्स उस सूरत में एप्लाई करता है जिस सूरत में दरख्वास्त देने वाला इवैकुई हो और किसी सूरत से दफा १६ एप्लाई नहीं करती और इवैकुई की तारीफ नम्बर २ 'डी' में १ से ५ में दी हुई है, तो जब कोई शख्स दरख्वास्त दे गवर्नमेंट के सामने कि मैं इवैकुई नहीं हूं तो वह दफा १६ की रू से आउट आफ कोर्ट है। इस एक्ट को जब हमने बनाया तो हमने उसको काफी तवज्जह से बनाया था और हमने इस बात का ख्याल रक्खा की

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माइनॉरिटीज किसी किस्म की कोई शिकायत न कर सकें। हमने इसके अन्दर किसी शख्स को, सिवाय माइनॉरिटीज के, सिवाय इवैकुई के, सिविल कोर्ट में जाने का हक नहीं दिया। डिस्ट्रिक्ट कोर्ट और हाईकोर्ट में जाने का हक हमने सिर्फ इवैकुई को दिया क्योंकि उनकी जायदाद पर असर पड़ता था। चुनांचे हमने जो कानून पास किया उसके अन्दर दफा ७ में हमने यह तय किया कि जिसके नाम नोटिस होगा वह इंटरेस्टेड पर्सन होगा और वह सारे मरहले सिविल कोर्ट और अपील वगैरह के तय कर सकेगा दूसरे लोगों को इस किस्म की रिआयत नहीं दी गयी। इसके अलावा जनाब देखेंगे कि इसमें एक दफा 'ए' २ खास तवज्जह के काबिल हैं। 'ए' २ की रू से वह जायदाद जो कि पहले इवैकुई बना दी गयी थी, पहले किसी आर्डिनेंस और ला के मातहत....

Shri N. C. Chatterjee: Before this Act.

पंडित ठाकुर दास भार्गव : उसके वास्ते यह कानून बनाया गया। दफा ७ को छोड़ कर जो दूसरा ८(२) रक्खा गया वह यह था :

> "Where immediately before the commencement of this Act, any property in a State had vested as evacuee property in any person exercising the powers of Custodian under any law repealed hereby, the property shall, on the commencement of this Act, be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed or deemed to have been appointed for the State under this Act, and shall continue to so vest."

मैं अर्ज करूंगा कि इस एक्ट में जो तारीफ है इवैकुई प्रापरटी की कि इवैकुई प्रापरटी वह जायदाद है जिसके अन्दर इवैकुई का कोई इंटरेस्ट हो या उसका किसी किस्म का कुछ वास्ता हो या उसकी मिलकियत हो। लेकिन इवैकुई की यह तारीफ नहीं है। वह शख्स जो इवैकुई प्रापरटी का मालिक है, दफा ४० में जो तारीफ दी गयी है उसके मुताबिक भी वह जायदाद भी जिसको कोई तीसरा शख्स खरीदता है वह भी इवैकुई प्रापरटी करार दी गयी है। यह करार देना कि जो शख्स इवैकुई प्रापरटी का मालिक है या ऐसी जायदाद में, अपना हक बतलाता है वह इवैकुई है दुरूस्त नहीं है इस वजह से मुझ को डर है कि वह अशखास जिनको दफा १६ के अन्दर मेरे लायक दोस्त ने शामिल किया हुआ है उनमें से कुछ लोग उस दफा १६ में नहीं आ सकेंगे। इवैकुई जब तक वह न बनें, जब तक इस दफा १ से पांच के अन्दर वह न आयें उस वक्त तक किसी शख्स को इवैकुई कहलाने का हक नहीं है और जब तक ऐसा न हो उस वक्त तक उसको यह हक नहीं है कि वह किसी सूरत से दफा १६ के अन्दर आ सके। मैं एक बात और कह कर खत्म किये देता हूं। मुझे पता नहीं कि मैं यह प्वाइंट पूरे तौर से समझा सका हूं या नहीं। मैं ने इतना अर्ज किया है कि जो शख्स यह कहे कि, इवैकुई प्रापरटी का मैं मालिक हूं वह जरूरी तौर पर इवैकुई नहीं जो इवैकुई प्रापरटी का मालिक है वह जरूरी तौर पर इवैकुई नहीं है जो (२) २(d) 'डी' एक से ५ तक नहीं आ सकते वह दफा १६ में नहीं आ सकते। जिन अशखास को हमने दफा सात में इजाजत दी थी, कि वह रिवीजन के लिये एप्लाई कर सकें, उनके लिये हमने यह प्राविजिन किया है। फिर हमने उनके वास्ते दफा २३, २४, २५ और २८ में यह प्रोवाइड किया कि आखिरी जो फैसला होगा, अदालत का वह आखिरी फैसला होगा, कस्टोडियन का फैसला नास्तिक होगा फाइनल होगा, किसी कानून का मंशा नहीं हो सकता कि एक फाइनल फैसला हो जाय, उसके बाद भी किसी कोर्ट को किसी एथारिटी को उसके अन्दर आम तौर पर दखल देने का हो। दफा

१६ में इस वास्ते जो इम्तियाज रक्खा था वह बड़ा जरूरी था कि बावजूद इन सारी चीजों के अगर किसी की एप्लीकेशन हो अगर वह इवैकुई हो चाहे वह पाकिस्तान से आया हुआ शख्स हो या यहां का हो जिसने अपनी जायदाद बाहर भेजनी चाही उसको इवैकुई करार दिया गया अगर उसको कहीं तकलीफ हो और गवर्नमेंट उसको जस्ट और प्रापर समझे तभी सर्टीफिकेट दे। सन् ५२ से पहले जो ला की हालत थी वह एक अजीब तरह की थी उसके अन्दर आपको मालूम है कि बावजूद इसके कि उसको सर्टीफिकेट मिला हो उसमें कस्टोडियन को अखित्यार था कि उसकी एप्लीकेशन को खारिज कर दे। लेकिन सन् ५२ के कानून की रू से हमने इसमें तरमीम की और गवर्नमेंट को अखित्यार दिया कि गवर्नमेंट का सर्टीफिकेट मिलने के बाद ऐसा नही हो सकता। इसका बिल्कुल सहल तरीका है जिसके अन्दर हम इसको तय कर सकते हैं। नम्बर आफ एप्लीकेशंस से हमें घबराना नहीं चाहिये और जो जस्ट केस हो उसको हमें रिलीफ देना चाहिये मेरी अदब से गुजारिश है कि पेश्तर इसके कि इस ला को एब्रोगेट किया जाय इसके ऊपर काफी गौर खौज होना चाहिये। मेरे पास कोई फीगर्स नहीं, मुझे आप कुछ फीगर्स दीजिये जिनसे यह साबित हो कि आपके ऐसा कानून बनाने से इस देश की नैशनल एकोनामी पर खास असर नहीं पड़ेगा, अगर थोड़ी बहुत सम्पत्ति हो तो मैं उसकी पर्वाह नहीं करता। जब तक यह चीज हमारे सामने न हो, मैं इस कानून को मानने को तैयार नहीं हूं। जब तक यह नहीं मुझे यकीन दिला दिया जाता कि इस कानून से देश की एकोनामी को नुकसान नहीं पहुंचेगा, मैं इसको मानने को तैयार नहीं हूं।

Lala Achint Ram (Hissar) *rose*—

Mr. Chairman: I can give the hon. Member five minutes, if he is ready to speak within five minutes.

Lala Achint Ram: Why are you so hard to me every time?

Mr. Chairman: Then, I will call the hon. Minister.

Shri N. C. Chatterjee: We can shorten the other thing. We are appealing to you to give us a little more time, and I hope the hon. Minister will agree.

Shri A. P. Jain: May I say, Sir, that the only important clause is clause 3. Clause 3 will also come up for discussion during the course of the clause by clause consideration. We should devote more time then in the consideration of clause 3 so that the hon. Members who want to speak may speak on that. This will practically mean a kind of a general debate.

Pandit Thakur Das Bhargava: May I suggest that you may be pleased to give half an hour more for the consideration stage and allow Shrimati Sucheta Kripalani, Lala Achint Ram and others to speak?

Mr. Chairman: How much time?

Pandit Thakur Das Bhargava: Because, after all, on clause 3 they may not be able to speak on everything, but only on clause 3.

Shri A. P. Jain: I have no objection if you desire to reduce the clause by clause consideration to, say, an hour.

Pandit Thakur Das Bhargava: Fortyfive minutes or half an hour.

Shri A. P. Jain: Fortyfive minutes.

Mr. Chairman: The clause by clause consideration may be confined to 45 minutes.

Shri N. C. Chatterjee: Make it one hour.

Shri A. P. Jain: You can make it one hour and fifteen minutes only for the third reading, because in the third reading there will be hardly any discussion.

Mr. Chairman: Then we can extend now. The scheduled time is that we must finish this consideration motion by 3;5. So, how much more time shall we take?

Shrimati Sucheta Kripalani: One hour.

Shri A. P. Jain: One hour.

Mr. Chairman: And then?

Shri A. P. Jain: Fortyfive minutes out of this will be devoted to clause by clause consideration, and 15 minutes to the third reading.

Mr. Chairman: How much will the hon. Minister take in replying?

Shri A. P. Jain: Fifteen minutes.

Mr. Chairman: All right. Lala Achint Ram.

लाला अचित राम : सभापति जी, मैं पहले ही अर्ज कर दूं कि मैं इस बिल को सपोर्ट करता हूं। जब बिल को पेश किया गया तो उस के ग्राउन्ड्स भी बताये गये। एक तो यहां अभी एक कम्पेन्सेशन बिल पास हो चुका है और उस के अन्दर जितनी इवैक्वी प्रापर्टी थी उस के टाइटल वगैरह क्वैश कर दिये जायेंगे और वह रुपया जो है वह बांट दिया जायगा रिफ्यूजीज को कम्पेन्सेशन के तौर पर।

साहबे सदर, जो दलील आज इस बिल को पेश करने के लिये दी गई हैं वह मुझे बहुत मजबूत नहीं मालूम पड़ती हैं। यह उसी सूरत में हो सकता था जब कि उतना कम्पेन्सेशन मिल गया होता जितना कि उन को हक था और अब और रुपये की जरूरत न होती। ऐसी सूरत में अगर इस बिल को पेश करने की यह दलील दी जाती तब तो मैं समझ सकता था, लेकिन जब कि यह रकम कुल २० परसेन्ट है तो ऐसी सूरत में इस बिल को पेश करने की यह दलील देना बहुत मुनासिब नहीं है।

दूसरी बात जो कही गई वह यह कि इस वक्त मुल्क के अन्दर हालात बिल्कुल शान्त हो गये हैं, सब कुछ ठीक है इस लिये इस बिल को पास कर देना चाहिये। मैं बड़े अदब से अर्ज करना चाहता हूं कि हालात के मुताल्लिक मेरी रीडिंग मुख्तलिफ है। मैं समझता हूं कि इस वक्त भी मुल्क के अन्दर नार्मल हालात नहीं हैं। छोटी छोटी बातों से ही यह चीज साफ हो सकती है आज जब मैं अपने दिल से पूछता हूं कि क्या यह मुमकिन है कि जो हिन्दू यहां पर रहते हैं वह पाकिस्तान के अन्दर इंडियन नैशनल के तौर पर रहें, जैसे कि इंग्लैंड के अन्दर हिन्दुस्तान के आदमी रह सकते हैं, या फ्रान्स के अन्दर या अमरीका के अन्दर हमारे यहां के आदमी रह सकते हैं, तो मेरे दिल से जवाब यह आता है कि आज पाकिस्तान के अन्दर किसी भी आदमी का रहना, जो कि यह डिक्लेअर करता है कि मैं इंडियन नैशनल हूं, मुश्किल है। इसी तरह अगर हिन्दुस्तान के अन्दर कोई आदमी यह कहे कि मैं पाकिस्तानी नैशनल हूं, तो उस के लिये भी, मैं समझता हूं, यहां रहना मुश्किल है। मैं देखता हूं कि पाकिस्तान के अन्दर, आप हिन्दुस्तानी नैशनल के रहने की बात तो छोड़ दीजिये, फजलुल हक साहब का क्या फेट हुआ है। यह सब को पता है। वह भी पाकिस्तानी थे, लेकिन वहां की हुकूमत का कहना यह था कि उन्होंने प्रो इंडियन तकरीर की। इस का खम्याजा उन को यह भुगतना पड़ा कि तख्त से उतरना पड़ा। इसलिये कहा जाय कि पाकिस्तान के अन्दर हालात नार्मल हैं, यह ठीक नहीं मालूम पड़ता। यह वाकयात के खिलाफ है। इसी तरह से हिन्दुस्तान के अन्दर भी अगर कोई शख्स यह कहे कि मैं पाकिस्तानी हूं, अम्बैसडर वगैरह की बात जाने दीजिये, तो मैं समझता हूं कि हिन्दुस्तान के हालात ऐसे नहीं हैं कि वह यहां आराम से रह सके। आज यहां की हालत यह है कि अगर कोई दयानतदार मुसलमान भी हो, और उस को बदनाम करना होता है तो कहा जाता है कि पाकिस्तान की तरफ झुका हुआ है। मैं समझता हूं कि अगर आज यह कहा जाय कि हिन्दुस्तान के अन्दर ऐसे नार्मल हालात हैं कि कोई भी अपने को पाकिस्तानी

कह कर रह सकें या पाकिस्तान के अन्दर यह कहा जाय कि कोई भी शख्स हिन्दुस्तानी बन कर रह सके, तो यह सही नहीं है। इस वास्ते इन हालात का ख्याल रखते हुए अगर यह समझा जावे कि हिन्दुस्तान के हालात नार्मल हैं, तो यह ठीक नहीं है।

साहबे सदर, इस के अलावा जो हालात आप इस वक्त देख रहे हैं हिन्दुस्तान के अन्दर, अभी १५ अगस्त का मामला आया, कैसे वाकयात हुए, हैदराबाद में क्या हुआ और औरंगाबाद में क्या हुआ क्या उस से यही नतीजा निकलता है कि हालात नार्मल हैं। मैं समझता हूं कि आप हर्गिज यह नतीजा नहीं निकाल सकते। एक बात नहीं, मैं कई बातें बतला सकता हूं। अभी ईस्ट बेंगाल से रेणुका राय जी लौट कर आई हैं, उन्होंने बताया कि किस तरह से एग्जोडस वहां से बढ़ रहा है। पहले एक हजार था, दो हजार था, चार या पांच हजार था, लेकिन अब दस हजार की तादाद में लोग चले आ रहे हैं। आखिर यह क्यों चले आ रहे हैं? जब यह सब हो रहा है तो यह मुश्किल है कि हिन्दुस्तान और पाकिस्तान में हालात नार्मल रह सकें। इस वास्ते अगर यह कहा जाय कि इस ला को हम इसलिये लाये हैं कि हिन्दुस्तान के अन्दर हालात नार्मल हैं, मैं इस चीज को मानने के लिये तैयार नहीं हूं। लेकिन मैं इस की ताईद क्यों कर रहा हूं? मैं समझता हूं कि हमें इस बात की कोशिश करनी चाहिये कि जितनी जल्दी हो सके हम हालात को नार्मल बनाने की कोशिश करें। इस में जल्दी कैसे हो सकती है? पहले हमारा फर्ज है कि जो हिन्दुस्तान के नैशनल हैं, वह असहाब जिन्होंने यह फैसला किया कि हम अपनी किस्मत को हिन्दुस्तान के साथ वाबस्ता करते हैं, उन के लिये हम ऐसे हालात पैदा करें कि वह निडर हो कर, बेखौफ हो कर रह सकें और उन के रास्ते में कोई रुकावट न हो। मैं चाहता हूं कि आप में यह ईमान हो कि हिन्दू और मुसलमान सब एक साथ मिल कर रह सकें। मैं समझता हूं कि जिस मुसलमान ने यह फैसला किया कि वह अपनी किस्मत को हिन्दुस्तान के साथ वाबस्ता करता है, उस को हिन्दुस्तान में रहने का ज्यादा अधिकार है, उस को ज्यादा क्रेडिट है बजाय उस के जो कि यह कहे कि मैं हिन्दू हूं। मैं समझता हूं कि आज उस के रास्ते में कोई रुकावट नहीं होनी चाहिये। आज उन को लोग पाकिस्तानी भी कहते हैं, और दूसरी बातें भी होती हैं, लेकिन फिर भी वह अपने आप को हिन्दुस्तानी कहते हैं, इसलिये अगर उन के रास्ते में आज कोई रुकावट हो तो आप उसे दूर करें। एक बड़ी रुकावट आज यह है कि अगर एक मुसलमान दयानतदारी से कारोबार करने के लिये अपनी प्रापर्टी को बेचना चाहता है तो भी नहीं बेच सकता है। उस पर शक किया जाता है कि वह पाकिस्तान चला जायगा। वह मुसलमान बहुत ईमान्दारी के साथ अपनी प्रापर्टी, को या बिजनेस को बढ़ाना चाहता है, लेकिन कहा जाता है कि हम तो प्रापर्टी ला को उस पर लागू करेंगे क्योंकि वह आदमी भले ही हिन्दुस्तानी अपने को कहे लेकिन in the heart of his heart he is a Pakistani प्रापर्टी ला को लागू न करने का यह नाजायज फायदा उठायेगा। मैं उन से पूछता हूं कि आखिरकार हम चाहते क्या हैं? यही तो हम चाहते हैं कि ऐसे लोग जो पाकिस्तान के लायल हैं वह हिन्दुस्तान में न रहें? अगर ऐसा है तो हमें इस में कोई एतराज नहीं हो सकता। हम तो सिर्फ इसी के बरखिलाफ हैं कि हमारा रुपया यहां से जायेगा।

मैं अर्ज करना चाहता हूं कि अगर आप इस इवैकुवी प्रापर्टी ला को हटाते हैं, या उन को अपनी जायदाद को बेचने की

[लाला अचित राम]

इजाजत देते हैं तो आप दरहकीकत उन लोगों को जो सच्चे देशभक्त हैं, एक मौका देते हैं कि वह दयानतदारी से और भी देशभक्त बनें और हिन्दुस्तान की सेवा करें। साथ ही वह पाकिस्तानी जो हों, (

the road to become Indian national

हां उन से आप कहते हैं तुम को हम आसानी देंगे। मैं कहता हूं कि ऐसे व्यक्ति आज लाखों होंगे जो पाकिस्तान में रहना पसन्द करेंगे। वह पाकिस्तान में जा कर रहेंगे और लायल हिन्दुस्तान के रहेंगे। वह पाकिस्तान में जा कर रहेंगे और जिन की वहां पर प्रापर्टी है उस की रक्षा भी करेंगे। मैं चाहूंगा कि मैं पाकिस्तान में जा कर रहूं, लेकिन इंडियन नेशनल के तौर पर रहूं और अपनी जायदाद की रक्षा करूं। मैं समझता हूं कि आज लाखों हिन्दू होंगे जो दिल से हिन्दुस्तानी हैं, लेकिन पाकिस्तान में रहना चाहेंगे। मैं समझता हूं कि ऐसे लोग भी यहां हो सकते हैं कि जो दिल से पाकिस्तानी हैं, लेकिन हिन्दू हैं। हमारा फर्ज है कि हम उन का रास्ता खोलें और उस का तरीका यही है कि अगर हमारा प्रापर्टी ला इस की इजाजत न देता हो तो इस का रास्ता निकालें।

3 P.M.

और कम से कम जो उनका प्रापर्टी से अटैचमेंट है उससे उनको रिलीज कर दिया जाए। वह आज हिन्दुस्तान की प्रापर्टी के साथ बंधे हुए हैं। जब वह अपनी प्रापर्टी बेच दें तो हमें यह देखना चाहिए कि वह रुपया बाहर न जाए। अगर हम यह इन्तिजाम कर लेते हैं कि देश का रुपया बाहर न जाए तो हम समझते हैं कि हम देश की बहुत सेवा कर लेते हैं। ऐसा करने से आपको पता चल जाएगा कि किसकी नेशनैलिटी डाउट-फुल थी। लेकिन यह आसान काम नहीं है। आप कहते हैं कि हम रुपया बाहर न जाने देंगे। मैं समझता हूं कि ऐसा हो भी सकता है और नहीं भी हो सकता है। लेकिन ज्यादातर मैं यही समझता हूं कि यह नहीं हो सकता। लेकिन क्या किया जाए। मैंने एक छोटा सा अमेंडमेंट दिया था। मैं यह नहीं कहता कि मेरा अमेंडमेंट कबूल कर लिया जाए लेकिन मुझे जवाब तो दिया जाए। फर्ज कीजिए कि एक जायदाद बिकती है और उसके बाद रुपया बाहर जाता है और आप पकड़ नहीं सकते। तो आप क्या करेंगे। जब आप जानते हैं कि प्रापर्टी बिक रही है और रुपया भेजा जा रहा है लेकिन आप पकड़ नहीं सकते तो आप क्या करेंगे। जो अमेंडमेंट मैं ने दिया है वह इस चीज को रोकने में मदद कर सकता है। आप उसको रिव्यू करें। अगर आप समझते हैं कि उससे वह बात नहीं हो सकती तो ठीक है। मैं यह नहीं कहता कि मेरा अमेंडमेंट ठीक है। अगर आप समझते हैं कि स्टेट कंट्रोल कर सकती है तो ठीक है। मगर मैं समझता हूं कि ऐसा नहीं हो सकेगा। आप इस चीज को अपने सामने रखें। मैं आपके इस बिल को होलहार्टेडली सपोर्ट करता हूं और मैं चाहता हूं कि हम अपने मुल्क को मजबूत करें। अगर हम इस कानून को लाते हैं तो मुल्क जरूर मजबूत होता है लेकिन कहीं ऐसा न हो कि मजबूत करने के साथ साथ हम इसको नुकसान पहुंचा दें।

श्रीमती सुचेता कृपालानी : चेयरमैन साहब, यह जो बिल हमारे सामने आया है उसूलन हमें इससे कोई एतराज नहीं है। हम सब लोग यह चाहते हैं कि हिन्दुस्तान में जो भी आदमी रहते हों, चाहे हिन्दू हों, मुसलमान हों, ईसाई हों या पारसी हों, हम सब को बराबर अधिकार दें और हर एक यहां आराम से रहे। अगर आप चाहते हैं कि यहां के मुसलमान अपनी जमीन जायदाद बेच सकें और इसकी उनको पूरी आजादी हो तो इसमें हमको कोई एतराज नहीं है। हमारा एतराज दूसरा है। एक तो मैं यह समझती हूं कि हमारी बदकिस्मती यह है कि पार्टीशन के बाद ऐसा सिलसिला चला कि इवैक्वी प्रूल ही कम्पेन्सेशन प्रूल माना गया। अगर ऐसा न हुआ होता तो बहुत अच्छा होता। इसलिए कि जब हम रिफ्यूजीज के वास्ते कुछ प्रार्थना करते हैं तो हमारे कोई भाई समझते हैं कि हम उनके खिलाफ हैं। अगर वह अपने लिए कुछ प्रार्थना

करते हैं तो इधर रिफ्यूजीज यह समझते हैं कि हमारे खिलाफ हैं। यह हमारी बदकिस्मती है कि हम ऐसी परिस्थिति में पड़ें। जब हम ऐतराज उठाने लगते हैं कि रिफ्यूजी पूल बहुत कम न हो जाए तो दूसरे भाई ऐतराज उठाते हैं कि कहीं दूसरे आदमी इवैक्वी न बना दिए जाएं। ऐसे कुछ केसेज हिफजुर्रहमान साहब ने बतलाए। अगर कोई ऐसा गलत केस है तो उसको ठीक किया जाए। इसमें हम उनके साथ हैं। अगर किसी को नाजायज तरीके से इवैक्वी बनाया गया है तो हम उसके लिए लड़ाई करने को तैयार हैं। लेकिन जो आप यह ऐक्ट पास करना चाहते हैं। उससे हमें जो परेशानी होती है उसकी तरफ हम आपकी तवज्जह दिलाना चाहते हैं। जब पार्टीशन हुआ तो बहुत से हिन्दू और सिख पाकिस्तान से यहां आए और मुसलमान वहां चले गए और उनकी बहुत सी जायदाद दोनों मुल्कों में पड़ी रही। उस जायदाद को संभालने के लिए यह ला बनाया गया। दोनों गवर्नमेंटों ने यह समझा कि अगर गवर्नमेंट इस जायदाद को संभाल लेगी तो यह जायदाद बच जाएगी और जो हकदार होंगे उनको वह मिल जाएगी। इसलिए हम लोगों ने यह कानून बनाया और हम अबतक यह समझते रहे कि अगर हमारा पाकिस्तान से फैसला हो जाएगा तो हमारी जायदाद हमको मिल जाएगी और उनकी जायदाद हम उनको दे देंगे। अब सारी दिक्कत यह है कि पाकिस्तान के पास ज्यादा जायदाद है और इसलिए वह समझता है कि हमको हिन्दुस्तान से समझौता करने की कोई जरूरत नहीं है। इसलिए आज हम इस हालत में पहुंच गए हैं। तीन दिन पहले जो डिबेट हुई उसमें आपने देखा कि हमारे पास १०० करोड़ रुपए की इवैक्वी प्रापर्टी है जिसमें से रिफ्यूजीज को कम्पेन्सेशन मिलेगा। गवर्नमेंट को इस परेशानी से निकालने के लिए हमारा यह सुझाव है कि अगर वह चाहें तो मुसलमानों की सारी जायदाद रेस्टोर कर दें हमें ऐतराज नहीं है, सिर्फ हमारे लिए १८५ करोड़ रुपया अंडर राइट कर दें जिससे रिफ्यूजीज और मुसलमान दोनों का काम हो जाए। हम तो न रिफ्यूजीज के खिलाफ कहना चाहते हैं और न मुसलमानों के खिलाफ कहना चाहते हैं।

जब हमने इवैक्वी प्रापर्टी ला बनाया तो हमको ख्याल हुआ कि कहीं किसी मुसलमान को बेजा तौर पर इवैक्वी न बना दिया जाए। इसलिए हमने इसके लिए कानून में काफी गुंजाइश कर दी। हमने क्लाज १६ रेस्टोरेशन के लिए रखा। और अगर उससे भी पूरा न पड़े तो हमने अपील के लिए २४ से लेकर २८ तक के क्लाजेज में प्रावीजन किया। हमारी गवर्नमेंट की तरफ से इस बात की पूरी कोशिश थी कि किसी मुसलमान को गलत तरीके से इवैक्वी न बना दिया जाए और अगर किसी को गलती से इवैक्वी करार दे दिया जाए तो उसको अपील का पूरा मौका मिले और उसके साथ इंसाफ हो जाए। इस कानून में काफी प्रावीजन हैं कि मुसलमान भाइयों के साथ बेइन्साफी न हो सके। इसलिए आज इस ऐक्ट में जो आप प्रावीजन रख रहे हैं मैं समझती हूं कि वह आप ज्यादा रख रहे हैं। आपने उनके लिए सारा इंसाफ करने का प्रावीजन रखा लेकिन उसके बाद भी आप उनके लिए एक सुपर सुप्रीम कोर्ट बनाना चाहते हैं कि वह पुराने मामलों को खोल सकें। यह जो ७ मई, सन १९५४ के आपने Rules बदले हैं उसका नतीजा यह हुआ है कि दस हजार नई अर्जियां आ गई हैं। एक लेटेस्ट रूमर मैंने सुनी है कि किसी रिलीफ कमेटी की मार्फत ११ हजार अर्जियां इनके अलावा और आई हैं। इस तरह से २० या २२ हजार अर्जियां आ गई हैं। रिहैबिलिटेशन मिनिस्टर साहब इस चीज को बतलाएंगे कि यह सही है या नहीं। लेकिन अगर इतनी अर्जियां आ गई हैं तो यह इवैक्वी पूल तो रहेगा नहीं। आप सारे पूल को ले लें और हमको 185 crore अंडर राइट कर दें तो हमको कोई ऐतराज नहीं होगा। अभी तक रिफ्यूजीज को कुछ मिला नहीं है और जब मिलने का वक्त आया तो pool खत्म हो रहे हैं। इसलिए परेशानी होती है। अगर आप इस प्रापर्टी को छोड़ देंगे तो जो लाखों रुपया आपने इन सात सालों में कस्टोडियन डिपार्टमेंट पर खर्च किया है वह भी

[श्रीमती सुचेता कृपालानी]

जाएगा। हम चाहते हैं कि ऐसा न हो इन एप्लीकेशन्स की वजह से सारा pool खत्म हो जाए। हो सकता है कि बहुत सी अर्जियां आवें और कंसेज चल जाएं और चाहे बाद में वे खिलाफ भी फैसला हो जाए लेकिन उनके चलने में सालों लग जाएंगे और तब तक आप कम्पेन्सेशन नहीं दे सकेंगे। इससे कम्पेन्सेशन पूल का एक बड़ा हिस्सा गड़बड़ी में पड़ जाएगा। इसलिए हमारा सबसे बड़ा एतराज यह है कि जब आपने पूरा लीगल प्रावीजन रखा है, अपील के लिए प्रावीजन रखा है, फिर आप सात साल के बाद एक नया कानून क्यों बना रहे हैं जिससे नए सिरे से मामलों को खोला जा सकता है। कुछ दिन पहले १० या ११ सितम्बर की न्यूज है कि कुछ मुसलमान भाई डेपूटेशन लेकर गए थे अपने वास्ते कुछ सहूलियत लेने। उनका एक पाइंट था जो मेरी समझ में नहीं आया। वह यह था कि जो मुसलमान एप्लाई करें प्रापर्टी के रेस्टोरेशन के वास्ते उससे यह भी जांच नहीं की जाए कि आया वह पाकिस्तान गया था या नहीं। अगर यह न्यूज सही है तो जो भी एप्लाई करेगा उसकी प्रापर्टी रेस्टोर कर दी जाएगी और यह भी जांच नहीं की जाएगी कि वह हिन्दुस्तान से चला गया था या नहीं। तो इस तरह तो पूल खत्म हो जाएगा।

شری ایم -ایچ- رحمان- مجھ خیال ہیں ایسا نہیں ہے-

[**Shri M. H. Rahman:** I think that is not the case.]

Shri B. S. Murthy (Eluru): Had the hon. Member himself gone with the deputation?

श्रीमती सुचेता कृपालानी: तो हमारा यही कहना है कि यह पूल खत्म न किया जाए। दूसरी बात जिसकी तरफ मैं आपकी तवज्जह दिलाना चाहती हूं वह यह है कि एक तरफ तो ऐसे केसेज हो सकते हैं कि जो लोग हिन्दुस्तान में रह रहे हैं उनको गलती से इवैक्वी करार दे दिया गया हो, लेकिन दूसरी तरफ ऐसे केसेज भी हैं कि लोग चले गए हैं लेकिन उन्होंने कोई न कोई ऐसी शक्ल बना रखी है कि उनकी प्रापर्टी इवैक्वी प्रापर्टी नहीं करार दी जा सकती। किसी न किसी की मदद से वह ऐसा कर लेते हैं। किसी दूसरे को वह मालिक बना देते हैं।

श्री ए० पी० जैन: कोई किसी को किसी तरीके से कैसे मालिक बना सकता है?

श्रीमती सुचेता कृपालानी: आपको खुद मालूम है कि दिल्ली में बहुत से मकान हैं जो इवैक्वी प्रापर्टी होने चाहिए थे मगर वह किसी न किसी दूर के रिश्तेदार को उसमें रख देते हैं जिससे यह मालूम होता है कि ओनर यहां है। मैं समझती हूं कि ऐसी काफी प्रापर्टी हैं जो कि इवैक्वी प्रापर्टी होनी चाहिए थी जो कि नहीं हुई हैं। हम समझते हैं कि कई ऐसे फैमिलीज हैं जिन्होंने लाखों रुपया पाकिस्तान को भेजा है। तीन भाई वहां रहते हैं और एक भाई यहां रहता है। ऐसे जो इवेजन के केसेज हैं वे नहीं छूटने चाहिएं। आप जिस तरह से इनकम टैक्स इवेडर्स पर सख्ती करते हैं और अगर कोई कानून तोड़ कर इवेजन करता है तो उसको सजा देते हैं इसी तरह आपको यहां करना चाहिए।

श्री ए० पी० जैन: मैं आपका मतलब समझना चाहता हूं। कानून यह है कि अगर चार भाई हैं और उनमें से तीन भाई पाकिस्तान चले गए हैं तो तीन चौथाई हिस्सा निकासी की जायदाद हो जाएगी और जो आदमी यहां बैठा है उसकी चौथाई जायदाद निकासी की नहीं होगी। इसलिए मैं समझ नहीं पाया कि आपका क्या मतलब है।

श्रीमती सुचेता कृपालानी: मुझे सिर्फ यही कहना है कि ऐसे भी केसेज देखने में आए हैं कि एक आदमी को यहां पर छोड़ दिया जाता है और उसको मालिक बना दिया जाता है और बाकी सारे पार्टनर्स यहां से चले जाते हैं और यह भी देखा गया है कि वह मालिक की नकल करते हैं और वास्तव में मालिक होते भी नहीं हैं, ऐसे केसेज में मैं चाहूंगी जहां कि ला का इवेजन हुआ है, कानून का उल्लंघन हुआ है वहां कानून को तोड़ने वाले को वरूर सजा मिलनी

चाहिए। इस ऐक्ट के अन्दर जो मुसलमान यहां पर रह रहे हैं उनको अपनी प्रापर्टी बेचने का हक हो, मुझे इसमें कोई ऐतराज नहीं लेकिन जो आपके कानून के मुताबिक ऑफेंडर्स बन चुके हैं उनको नहीं छोड़ना चाहिए। ऐसे लोगों की प्रापर्टीज को हमें देखना चाहिए कि वह इवैक्वी पूल में आएं। यही मेरे दो, तीन ऐतराज इस ऐक्ट के सम्बन्ध में थे जिनकी ओर मैंने तवज्जह दिलाई, बाकी मेरा इस ऐक्ट से इत्तिफाक है।

Shri Gidwani (Thana): As you have heard, there are two aspects to this Bill, the national aspect and the refugee aspect. Regarding the national aspect, everyone has emphasised that we should see that no money goes from here to Pakistan. There are various forms of sending money; even today, it is going in various forms. I need not go into it. I will only read two items of news published in the papers. These are statements by responsible Ministers in two State Assemblies. One is dated August 29:

> "Mr. Gopal Rao Ekbote, Hyderabad's Education Minister, told the State Assembly during question time on Friday that eight foreign-returned State scholars and fourteen deputationists, including two women, had gone over to Pakistan."

Then there is another item of news which comes from Lucknow (Uttar Pradesh). It says:

> "The alleged attempt of an *ex*-ruler of one of the States now merged in Uttar Pradesh, to smuggle jewellery and other valuable property to Pakistan was the subject of inquisitive but fruitless queries in the State Legislature today.
>
> "The Speaker, however, disallowed a question in the State Assembly as to whether the Nawab of Rampur had already smuggled jewellery worth Rs. 50 lakhs across Indo-Pakistan border.
>
> "The Home Minister, Dr. Sampurnanand, parried the query of Mr. Mokram Sharma whether the Government was aware of the alleged attempt, on the ground that the issue lay within the jurisdiction of the Central Government.
>
> "The Speaker disallowed another question that sought to find out if the Government had seized jewellery worth Rs. 4 crores from a bank in connection with the alleged attempt.
>
> "In reply to Mr. Rameshwar Lal, Dr. Sampurnanand said it would not be in public interest to disclose if Pakistan spies were active in the State.
>
> "Asked if the Government had arrested some persons for spying, he said he had no definite information".

Now, these two are the latest items giving you some information as to how money and persons are going to Pakistan. What happens if such things continue? According to the old Act, people who sent money like this were being declared as 'intending evacuees'. If some people go to Pakistan or send money there like that, what becomes to that money? Will it go to the Government or will it go to our pool? That is one aspect.

This is the national aspect. It is for you to consider. I, as a humble worker for the refugees, am also concerned with that problem. But I leave it to you. As Pandit Thakur Das Bhargava said, if there is a flight of money from India, is it in our national interest to allow that? That is an aspect to be seriously considered. I do not want to deal with it exhaustively; he has already done it, and it is for the Members of the House and the Minister and the Government to consider that aspect of the question, whether it is in the national interest to allow this kind of thing.

As regards the refugee aspect of the question, as Lala Achint Ram and

[Shri Gidwani]

Shrimati Sucheta Kripalani have said, we are not concerned today with getting out money from any Muslims in India. Let them live in India peacefully. Let them remain true nationals of India. We have no quarrel with it. We have no quarrel even if the money that you have got already is distributed by you among them or distributed somewhere else. What we are concerned with is that at least these Rs. 100 crores of evacuee property, that pool, should not be reduced by a pie. We have been asking you, we have been urging the Government, to increase the pool. As Shrimati Sucheta Kripalani has said, 10,000 applications for restoration of property have come. I know that some of the applicants will certainly get some money. They may be big people, they may be small people—I do not know. I am not prepared to accept that many people are being harassed unnecessarily. On the contrary, our information so far had been that there was a lot of interference with the administration of the evacuee law. There are regular organisations which have been doing that work. I do not want to go into, and rake up the past; nor do I want to say anything which may create any bitterness, tension or ill-feeling between different communities. I am most anxious that we should close the old chapter. But on behalf of the displaced persons, as a humble worker for the displaced persons, I want to tell you that if you want to reduce this pool, then it is your moral duty to increase your contribution to the pool. If you think that it is in the secular interest or in the national interest of India to be very liberal, to give more money or to relax the law or abrogate the law, you should underwrite these Rs. 100 crores in value of evacuee property and assure us that not a pie will be reduced. You should also assure us that you will give more money to the pool. Then, I think we will also forget this thing; otherwise, this thing will continue, and some kind of bitterness, some kind of tension, some kind of ill-feeling will remain in the minds of the displaced persons that their interests have been affected adversely.

श्री गिडवानी : अब मैं थोड़ा सा हिन्दी में मौलाना हिफजुर रहिमान साहब की खिदमत में अर्ज कर दूं। आज रेफ्यूजीज की समस्या यह है कि फर्ज कीजिए कि एक भूखे आदमी को अपना पेट भरने के लिए चार रोटियों की जरूरत है और उस भूखे इंसान के सामने आप एक रोटी डालें तो वह कैसा भी समझदार क्यों न हो उसकी आत्मा तड़प उठेगी और उसका दिल हमेशा दुखी रहेगा। अब हमारी बहिन सुभद्रा जोशी ने जो कुछ हमारे बुजुर्गों के लिए कहा मैं उस पर उनको क्या कहूं, क्योंकि हमें एक मर्यादा में रह कर बोलना पड़ता है और आचरण करना पड़ता है। हमारी बहिन ने जिस प्रकार हमारे ऊपर आक्षेप लगाए और इलजाम लगाए और यह कहा कि हम पाकिस्तान बनने के बाद ऐसी बातें कह करके लीडर बनना चाहते हैं तो मैं उनसे कहना चाहूंगा कि लीडरी की ख्वाहिश हममें कतई नहीं है और हम तो आज से नहीं पिछले ५० वर्षों से पबलिक में काम कर रहे हैं, जब से काम कर रहे हैं जब कि हमारी बहिन पैदा भी न हुई होंगी। मैं और ज्यादा उनसे नहीं कहना चाहता सिवाय इसके कि आपकी सत्ता है, आपका एनफ्लुएंस है, जो मन में आए कहिए।

हमारे जो अरबन प्रापर्टी वाले रिफ्यूजी भाई हैं, उन्होंने गवर्नमेंट से ६६ परसेंट कम्पेन्सेशन मांगा है और आपने जो इस पर विचार करने के लिए सेलेक्ट कमेटी बिठाई थी उसने फिफ्टी परसेंट कम्पेन्सेशन देने की सिफारिश की थी। तो मेरा कहना है कि आप फिफ्टी परसेंट ही दीजिए, आधा ही दीजिए, लेकिन बांटिए तो सही। आप ऐसा करें, तो हमारा कोई झगड़ा नहीं है और हम आपके शुक्रगुजार होंगे।

श्रीमती सुभद्रा जोशी (करनाल): सभापति महोदय, आज जिस कानून को हम खत्म करने के लिए यहां जमा हुए हैं, मुझे यह कहने में कोई भी संकोच नहीं है कि वह कानून ऐसे हालात के लिए था जो कि देश के लिए नार्मल हालात नहीं थे, और किसी मुल्क की स्टैंड्यूट

बुक पर इस किस्म का कानून होना कोई गौरव की बात नहीं है।

सभापति महोदय, आज मुझे बड़ी शर्म महसूस हुई जिस वक्त मौलाना साहब ने यहां उठ कर यह कहा कि इस मुल्क में मुझ को भी वह अधिकार होना चाहिए जो कि दंशपांडे जी को हैं। मुझे इस बात की शर्म महसूस हुई, पर शर्म तो शर्म वालों को ही महसूस होती है, सब को तो महसूस नहीं होती। सभापति महोदय, सवाल यह है कि हमारे देश में जिसको कि हम सेकुलर हुकूमत कहते हैं, उस देश में दूसरे मजहब वालों को रहना चाहिए या नहीं रहना चाहिए। यह पहला सवाल है। हमारे यहां कुछ भाइयों ने यह कहा कि जो हिन्दुस्तान के नागरिक हैं उनको परेशान नहीं करना चाहते हैं। पर जैसा बहन सुचेता कृपालानी ने कहा कि यह हमारी बदकिस्मती है कि हम ने इस झगड़े के वक्त इस कानून को बनाया था और हमने इस कानून को इस लिए बनाया था कि वह इवैक्वी प्रापर्टी की रक्षा करे। लेकिन उस property में हम लोगों ने एक इन्टरेस्ट क्रिएट कर दिया। मैं आप से कहती हूं कि कानून रहे या न रहे, एक बेसिक सवाल है, एक उसूल का सवाल है कि अगर आप एक पड़ोसी का इन्टरेस्ट इस बात में कायम कर दें, अगर आप पड़ोसी से यह कह दें कि तुम अपने दूसरे पड़ोसी को देश से भगा दो तो यह प्रापर्टी तुमको मिल सकती है तो एक सेकुलर हुकूमत इस देश में अमन चैन रखने के लिए कैसे काम कर सकती है। मैं कहती हूं कि हम अगर पड़ोसी पड़ोसी में एक ऐसा इन्टरेस्ट कायम कर दें कि अगर तुम किसी तरह से इन्तजाम करके अपने पड़ोसी को यहां से भगा दो तो कम्पेन्सेशन तुमको ज्यादा मिल जाएगा, तुमको मुआवजा ज्यादा मिलेगा, तुमको ईनाम मिलेगा, आप हिन्दू मुसलमान की बात को छोड़ दें, मैं सच कहती हूं कि अगर ऐसा इन्टरेस्ट आप सुचेता बहन और कृपालानी जी में पैदा कर दें तो उन दोनों में भी झगड़ा होने का खतरा रहेगा। यह एक ऐसा इन्टरेस्ट है कि अगर आप हिन्दू मुसलमान में यह कह दें, हिन्दू और सिख में यह कह दें, किसी से भी इस बात को कह दें कि एक भाई के हिन्दुस्तान से चले जाने से तुमको फायदा हो जाएगा, तो आप इस देश में अमन चैन की बात नहीं रख सकते हैं और सेकुलर हुकूमत को कायम नहीं रख सकते हैं। आज यहां पर जो जो भाषण हुए उनसे जो मैं पहले सोचती थी और जिसकी मैंने पहले हिदायत की, वह खतरा और भी अधिक मालूम पड़ता है। आज मुझे यह सुन कर ताज्जुब हुआ कि मेरे बहुत से भाई इस बात पर जोर दे रहे हैं और कह रहे हैं कि हिन्दुस्तान से मुसलमान जा रहे हैं, आज तक हम बराबर यह सुनते आ रहे थे कि पाकिस्तान के हालात ऐसे हैं कि वहां हिन्दू भाइयों का रहना मुश्किल है। रोज सवाल यहां आते हैं कि कितने लोग वहां से आए, लेकिन आज इस बात का जिक्र तो नहीं किया गया, आज यह कहा जाता है कि यहां से भी लोग बाहर जाते हैं, हमारे श्री वी० जी० देशपांडे जी ने भी इसी बात पर जोर दिया। मैं सोचती हूं कि जब तक आप इस चीज की इजाजत देंगे, तब तक हमारे इन भाइयों की, खास कर इन फिरकापरस्त जमातों की यह कोशिश रहेगी कि इस चीज का फायदा उठाते हुए वह देश में अमन चैन न होने दें। क्या होता है यहां पर? इस सभा में जो कुछ कहा जाता है वह जरा काबू में रह कर, संयम में रह कर कहा जाता है, पर जरा इन भाइयों की स्पीचेज बाहर जाकर सुनिए। जहां यह लोग बाहर जाते हैं, पब्लिक मीटिंग्स करते हैं, जब एलेक्शन आता है तब खास कर सुनिए, खुले एलान करते हैं कि इन शरणार्थी भाइयों का बसाना जरा भी मुश्किल नहीं है। अगर हम से कह दिया जाए कि इन मुसलमानों को देश से बाहर भेज दो तो हम उनको निकाल कर शरणार्थियों को आबाद कर देंगे। यह कहा जाता है ....

एक माननीय सदस्य: कहां पढ़ा है?

श्रीमती सुभद्रा जोशी: सभापति जी, मैं आपसे कहना चाहती हूं कि हम आज इस कानून को खत्म करें। सिर्फ यही नहीं जो भाई यहां रहते हैं उनके इन्टरेस्ट को, यहां के नागरिकों के इन्टरेस्ट को दूसरों की प्रापर्टी से हटाने के बाद

[श्रीमती सुभद्रा जोशी]

उनकी हिफाजत करने को कहें, हम यह भी कहें कि हम तुम्हारी जान की भी हिफाजत करेंगे। ऐसा करने के बाद जरा काम आसान हो जाएगा।

मुझे इस बात का भी बड़ा रंज हुआ कि बार बार इस चीज को कहा जाता है कि रेस्टोरेशन का जो तरीका है उसे आपने खत्म क्यों नहीं किया है? हम लोगों की दिलचस्पी इस बात में कम है कि जो यहां के नागरिक हैं हम उनकी प्रापर्टी ले लें, हम में से किसी की भी दिलचस्पी इस में नहीं है, खास कर जो सदस्य बोले हैं उन्होंने कहा है कि जो यहां के नागरिक हैं उनकी प्रापर्टी लेने में हमें कोई दिलचस्पी नहीं है। जब यह बात है तो क्या वजह है कि आप इस बात से परेशान हैं कि रेस्टोरेशन का अधिकार खत्म कर दिया जाए? जो हिन्दुस्तान के नागरिक हैं, जो यहां से गए नहीं, जो यहां पर रहना चाहते हैं, मैं कहती हूं कि आपकी १०० बार कोशिश होनी चाहिए, उसको उसका हक दें। उसको ५०० दफा अपील का हक है और आपका फर्ज है कि आप उसको ज्यादा से ज्यादा सहूलियत दें कि वह अपनी प्रापर्टी पा सके। आप उसकी प्रापर्टी को न छीनें। लेकिन अब उसकी अपील एसिस्टेंट कस्टोडियन के पास पहुंच गई। कस्टोडियन जनरल के पास पहुंच गई, इस तरह की बहाने बाजी करते हैं। क्या अब उसको अपनी प्रापर्टी मांगने का अधिकार नहीं रहा? आखिर यह बहानेबाजी क्यों की जाती है। जो यहां से चले गए हैं उनमें मुझे कोई दिलचस्पी नहीं है, उनकी प्रापर्टी आप ले लीजिए। लेकिन जो यहां हैं उनकी प्रापर्टी का अधिकार उन से छीन लेना और यह कहना कि यह प्रापर्टी हमारी है, कानून का बहाना ले कर अगर हुकूमत उनकी जायदाद छीन ले तो यह हुकूमत कोई मुनासिब बात नहीं करेगी। यह तो बहानेबाजी से उनकी जायदाद को ले लेना होगा।

जैसा मौलाना हिफ्जुर्रहमान साहब ने कहा कि बहुत से लोग ऐसे हैं जो यहां पर मौजूद रहे हैं और कई कई दफा उनकी प्रापर्टी इवैक्वी प्रापर्टी हो गई है। आपने कोई न कोई बहाना उसके लिए खोज निकाला। बहुत से लोग ऐसे हैं जिनके मकान बार बार इवैक्वीज प्रापर्टी हो गए क्योंकि आपने बार बार इवैक्वीज की डीफिनिशन को बदला। मैं आप को एक उदाहरण देना चाहती हूं जिसका मकान एक बार छूटा, दूसरी बार छूटा, तीसरी बार छूटा, चौथी दफा छूटा। जब से पार्टिशन हुआ तब से वह औरत और उस के बच्चे कस्टोडियन के दफ्तर में जाएं, एक बार, दो बार, तीन बार रेस्टोरेशन के लिए। उस के लिए इतने पैसे खर्च करने पड़े और अर्जियां देनी पड़ें यह हमारे लिए कोई गौरव की बात नहीं है।

श्री ए० पी० जैन: आप बिल्कुल बेबुनियाद बातें कह रही हैं।

श्रीमती सुभद्रा जोशी: सभापति महोदय, मैं कहती हूं कि हमारी इसमें कोई गलती नहीं है और हम ने जान बूझ कर कोई ऐसी बात नहीं की। हमारा कानून ऐसा है, इतना एबनार्मल कानून है कि उसकी वर्किंग में दिक्कतें आएंगी रोज रोज। आप चाहे जितनी कोशिश करें, हम बिल्कुल मजबूर हैं। लेकिन मैं पूछती हूं कि अगर कोई मुसलमान हो तो उसने कोई कुसूर किया? जो कुछ उसने किया है कस्टोडियन के कानून के मुताबिक ही तो किया? पहले उसकी प्रापर्टी को रेस्टोर कर दिया जाए, इसका फैसला हो गया, लेकिन इसके बाद ही इवैक्वी की डीफिनिशन बदल गई और उसकी प्रापर्टी फिर इवैक्वी प्रापर्टी हो गई। इसी तरह से कई बार हो चुका है। इस तरह से जो एबनार्मल कानून हैं उसको नार्मल तरीके पर फंक्शन करते हैं।

श्री ए० पी० जैन: साढ़े चार साल से एक ही कानून है।

श्रीमती सुभद्रा जोशी: इसके बाद, सभापति महोदय, मुझे इस बात से भी बहुत परेशानी है कि बार बार यह कहा जाता है कि एक आदमी वहां है और उसके घर वाले यहां हैं। जैसा अभी मिनिस्टर साहब ने बतलाया कि कानून यह है

कि जो आदमी पाकिस्तान में हैं उसकी प्रापर्टी हुकूमत की हैं और जो आदमी यहां हैं, उसकी प्रापर्टी उसकी हैं। आज किसी बहाने से जैसे कि उसकी बीवी यहां हैं और वह पाकिस्तान में हैं, या उसके बच्चे यहां हैं और वह पाकिस्तान में हैं, अगर उसकी प्रापर्टी को छीनने की कोशिश करते हैं तो यह कोई मुनासिब बात नहीं हैं। सभापति महोदय, जहां तक हमारे देश की बात हैं, हमको यह मानना पड़ेगा कि पाकिस्तान से हम इस बात का मुकाबला नहीं कर सकते। दोनों मुल्कों के हालात में फर्क हैं। वह अपने को एक सेकुलर हुकूमत नहीं कहते हैं, हम अपने को सेकुलर हुकूमत कहते हैं, उनके यहां जिन्होंने प्रापर्टी रक्खी हुई थी वह भाई बदकिस्मती से यहां आ गए।

जिनकी प्रापर्टी इवैक्वी हो गई वह तो वहां चले गए लेकिन फिर भी हमारे यहां फैमिलीज डिवाइड हो गई। एक भाई वहां हैं तो एक यहां हैं। बीवी बच्चे वहां हैं तो आदमी यहां हैं। अगर चाचा चला गया हैं तो भतीजा यहां हैं। इस तरह से हमारे यहां फैमिलीज डिवाइड हो गई। इसलिए इस कानून को लगाने में हैरासमेंट जरूर होगा। मैं आप से कहती हूं कि जब इन फैमिलीज को यूनाइट करने की बात होती हैं, जिनके बीवी बच्चे अपने आदमी के पास यहां आकर रहना चाहते हैं तो उसमें कोई दिक्कत नहीं होनी चाहिए। एक वक्त था कि जब उनके बीवी बच्चे यहां आना चाहते थे और अपने घर में आकर रहना चाहते थे तो दिक्कत होती थी और यह ख्याल होता था कि इससे इवैक्वी पूल तो कम नहीं होता। परेशानी यह होती थी कि अगर वह वापस आ गए तो उनको प्रापर्टी वापस न देनी पड़े। इसलिए आप यहां के सिटीजन को परमानेंटली दूसरे मुल्क में धकेल देते थे। तो हमने दरख्वास्त दी और उन लोगों ने भी कहा कि आप हमारी प्रापर्टी ले लीजिए लेकिन हमको अपने घरों में तो आने दीजिए। हमको अपने बीवी बच्चों के साथ तो रहने दीजिए। तो ऐसे भी बहुत से फैमिलीज हैं जो कि वहां पर गए थे और फिर वापस आए। पर उनके साथ यह शर्त हैं कि जो प्रापर्टी थी उसके रेस्टोरेशन पर कोई असर नहीं पड़ेगा। मैं समझती हूं कि यह भी उनके साथ इन्साफ की बात नहीं हैं। मैं बतलाना चाहती हूं कि जब हालात नार्मल हैं तब यह बातें ठीक नहीं हैं। जो भाई वहां से आए उन्होंने भी बहुत परेशानी उठाई हैं और उसकी वजह से अगर कुछ हमारे यहां भी परेशानी या दिक्कत होती हैं तो किसी को उस परेशानी को उठाने में हिचकिचाना नहीं चाहिए। एक दिन आना चाहिए जब यह चीजें खत्म हों और यह न हो कि हम उसको लम्बा करते चले जाएं। आज सात साल हो गए। इन सात साल के अन्दर ऐसे कितने केसेज हुए कि जिनकी प्रापर्टी इवैक्वी डिकलेयर होनी चाहिए थी और आपने नहीं की। लेकिन अगर आपने एक भी प्रापर्टी गलती से ले ली तो उसका यह नतीजा होता हैं कि उस आदमी के दिल में आप बिटरनेस पैदा कर देते हैं और उसकी लायलटी को कम कर देते हैं। अगर आप उन लोगों को परेशान करके इस मुल्क में रखना चाहते हैं तो यह बहुत मुनासिब बात नहीं हैं। इसलिए सभापति महोदय में ने यह कहा कि यह जो आज इस कानून को खत्म करने की बात हैं मैं इसको वेलकम करती हूं।

अभी गिडवानी जी ने कहा कि भूखे का दिमाग दुखी होता हैं। भूखे तो इस देश में बहुत हैं। अगर आप आज हिन्दुस्तान में मजदूरों को यह इजाजत दे दें कि वे लोगों की कोठियां छीन लें, मकान छीन लें, राजा महाराजाओं को महलों में से निकाल कर उनको ले लें और उन लोगों को धकेल कर यहां से बाहर निकाल दें, मारें नहीं, तो क्या यह मुनासिब बात होगी। सरकार का फर्ज हैं कि वह हर भूखे का इन्तिजाम करे, हर बेघर को घर दे। सरकार का फर्ज हैं कि जितना ज्यादा कम्पेन्सेशन कर सके कर दे। लेकिन सरकार का यह फर्ज नहीं हैं कि मिस्टर हिफजुर्रहमान की प्रापर्टी छीन कर या कम करके उसको पूल में डाल दे। और अगर सरकार का यह फर्ज हैं तो सरकार का यह भी फर्ज हैं कि देशपांडे जी की भी दौलत छीन ले और पूल में डाल दे। मैं तो कहती हूं कि भूखों को खाना खिलाने के लिए अगर हमारे देशवासी जो पैसे वाले हैं उनसे सरकार जो कुछ भी लेले वह कम हैं। और

[श्रीमती सुभद्रा जोशी]

सरकार वह पैसा शरणार्थियों को दे दे। लेकिन अगर किसी एक मजहब के लोगों से वह लेने की कोशिश की जाए तो मैं उसका विरोध करूंगी। मैं चाहती हूं कि हिन्दू हो या मुसलमान हो, जो बड़े बड़े पैसे वाले हैं उनसे आप पैसा लीजिए, उनकी प्रापर्टी रिक्वीजीशन कर लीजिए, उन पर ज्यादा टैक्स लगा दीजिए और उससे शरणार्थियों का पूल जितना चाहे बढ़ा दीजिए लेकिन एक मजहब के लोगों से लेना तो मैं समझती हूं कि हुकूमत को शोभा नहीं देता।

गिडवानी साहब ने फरमाया कि सब पैसा सुभद्रा बहिन को दे दो और वह आधा आधा हिन्दुस्तान और पाकिस्तान में बांट दें। मुझे खुशी है कि उनको कम से कम इस बात का भरोसा है कि मुझे जो पैसा मिल जाएगा उसको मैं बांट दूंगी।

पंडित मुनीश्वर दत्त उपाध्याय (जिला प्रतापगढ़---पूर्व): सभापति महोदय, इस विधेयक का जो मुख्य विषय है वह कम्पेन्सेशन पूल है। यह वह रकम है जिसके द्वारा हम शरणार्थियों का जो नुकसान हुआ है उसका मुआवजा दे सकेंगे। यह मुख्य विषय है। जितनी दलीलें अभी हमारे और साथियों ने दी हैं वे घूमघाम कर इसी पर आती हैं कि क्या प्रबन्ध किया जाए जिससे कि यह कम्पेन्सेशन पूल में कोई कमी न हो और जहां तक हो सके हम ज्यादा से ज्यादा इसका हिस्सा शरणार्थियों को मुआवजे के रूप में दे सकें।

मैं यह समझता था कि सम्भव है कि किसी तरफ से ऐसी भी आवाज आती कि चूंकि पाकिस्तान की हरकत ऐसी हो रही है तो हम लोगों को भी उस रास्ते पर चलना चाहिए। बड़ी खुशी की बात है कि कहीं किसी एक माननीय सदस्य की ओर से भी कोई इस तरह का सुझाव नहीं आया। कोई इस सदन में इस तरह की भावना भी नहीं है। यह बड़ी प्रसन्नता की बात है। श्रीमती कृपालानी जी ने कहा कि बड़ी परेशानी होती है कि अगर न्याय की बात कहने के लिए उठते हैं तो यह शुबहा होता है कि ऐसा न हो कि दूसरा पक्ष यह समझे कि हमारा विरोध कर रहे हैं। जहां इतना अहसास हो इन बातों का, जहां यह सोचा जाए कि ऐसा न हो कि दूसरा पक्ष बुरा मान जाए, इसको देखकर हम कह सकते हैं कि हमारे सदन का स्तर कितना ऊंचा है। पाकिस्तान से कोई हमारी बराबरी नहीं की जा सकती।

जब हम यह चाहते हैं कि जो मुआवजे की धनराशि है वह कम न हो, और जहां तक हो सके हम अपने शरणार्थियों को ज्यादा से ज्यादा मुआवजा दे सकें, तो उसके लिए कुछ सुझाव जो आपके सामने आए हैं उनसे हमको बड़ी सहायता मिलती है। पंडित भार्गव जी का सुझाव है कि दफा १६ लागू न होगी। दफा १६ के प्रावीजन्स की वजह से जो कमी पड़ने की आशंका है उसका उनको भय लगा हुआ है। मैं भी उनसे सहमत हूं कि वह नहीं लागू किया जाना चाहिए।

दूसरा एक बहुत बड़ा सुझाव हिफजुर्रहमान साहब ने दिया है। उनका सुझाव यह है कि जो पैसा इन बड़ी बड़ी जायदादों को बेचने से आवे वह पाकिस्तान न भेजा जाने पावे। अगर वह पैसा पाकिस्तान नहीं जा सके तो इतना हल्ला क्यों हो। गिडवानी साहब ने कहा कि वह तरह तरह से स्मगिल हो कर जा रहा है। और इसी तरह यह भी चला ही जाएगा। इसकी भी पाबन्दी हो जानी चाहिए।

इसके अलावा और भी सुझाव पंडित भार्गव जी ने और दूसरे साथियों ने दिया था कि इसमें सरकार हमारी काफी सहायता करे। पर आपको पाकिस्तान से पाला पड़ा है। अब ऐसी स्थिति आ गई है जब कि आप समझते हैं कि अब नार्मल्सी आ गई है और हमको इस कानून को मिटा देना चाहिए। हमारे हिन्दुस्तान जैसे देश को जिसकी इज्जत सारे संसार में इतनी ऊंची है ऐसा कानून रखना उचित नहीं है।

लाला अचिंत राम जी ने कहा कि अभी नार्मल्सी नहीं आई है। उन्होंने कुछ मिसालें दीं। मैं

उनसे सहमत नहीं हूं। वह कहते हैं कि अगर कोई शख्स यहां आता है या वहां जाता है तो उसका स्वागत नहीं होता इसलिए नार्मल्सी नहीं आई है। लेकिन यह सब कुछ देखने की बात नहीं है। दरअसल यहां एक बड़ा झमेला था। वह अब मिट गया है। अब कुछ है नहीं। हमारी स्थिति नार्मल है। ऐसी स्थिति में हमारे लिए ऐसा कानून रखना मुनासिब नहीं है। दूसरा जो कानून अभी तीन रोज हुए आपने पास किया है उसके बाद तो यह नेसेसरीली फालो करता है। उसके बाद तो इसको अवश्य आना चाहिए था।

वहां तो आपने सारा इंतजाम सारी जायदाद की मिल्कियत का जितना है वह सब अपने हाथ में ले लिया है। अब आप क्या चाहते हैं। यह आखिरी काम जो आपने उठाया, तो फिर यह तो सवाल ही पैदा नहीं होता कि आप इस कानून को फिर जारी रक्खें। स्थिति दरअसल ऐसी है कि आपको तो इस कानून को मिटा ही देना है। लेकिन यह कम्पेन्सेशन का जो पूल है यह कम हो जाए और शरणार्थियों को सहारा न मिले तो आपके विभाग का और आपकी मिनिस्ट्री का जो उद्देश्य है वह पूरा नहीं होगा और एक फेल्योर होगा। मेरा कहना यह है कि जैसा कि पंडित ठाकुर दास भार्गव ने सुझाव दिया या मौलाना साहब ने भी जिसको कहा और करीब करीब सबों ने सुझाव दिया है कि कम्पेन्सेशन पूल को कम नहीं करना चाहिए बल्कि उसको बढ़ाना चाहिए, तो अगर आप इस पूल को इस काबिल रख सकते हैं कि शरणार्थियों को उसमें से मुआविजा दे सकें, तभी आपका उद्देश्य पूरा होता है अन्यथा नहीं। यह जरूर है कि इस उद्देश्य को पूरा करने के लिए मुआविजा कोष को बढ़ाने में उसमें इजाफा करने में एक दिक्कत मालूम होती है। कोष के सम्बन्ध में अभी हमारे मंत्री महोदय ने कोई ऐसी बात नहीं बतायी जिससे हम समझें कि सरकार की ओर से भी हमको इतना धन मिल सकेगा जिससे कि हम शरणार्थियों को सहारा दे सकें। यह हमारा मुख्य उद्देश्य है और मैं उनसे अनुरोध करूंगा कि अब और जगह से सारे रास्ते बन्द हो जाते हैं तो एक ही रास्ता हमारे सामने रह जाता है कि जहां आप करोड़ों रुपया खर्च कर रहे हैं वहां सरकार इस मुआविजा कोष में भी धन दे करके और उस कोष को बढ़ा करके इस मसले को सफलता के साथ हल करें और समाप्त करें। अगर आप यह चाहें कि इवैक्वी प्रापर्टी बना कर और उससे धन प्राप्त करके कुछ इस दिशा में काम करें, तो मुमकिन है कि थोड़ा बहुत कुछ आपको इससे सहारा मिल जाए लेकिन कोई बड़ा हिस्सा नहीं मिल सकता है और सरकार को ही इस दिशा में आगे बढ़ना होगा। हमारे देशपांडे जी ने भी बीच में कहा था कि बड़ी बड़ी जायदादें जो यहां पर हमारी इवैक्वी प्रापर्टी हो जानी चाहिए थीं, कुछ लोग उन जायदादों पर अभी भी डटे हुए बैठे हैं जिसकी वजह से वह जायदादें इवैक्वी प्रापर्टी में नहीं आती हैं और हमारे पूल में नहीं आती हैं तो मेरा कहना है कि इस तरह से जब कोई एक आदमी उस प्रापर्टी पर डटा हुआ है, तब वह हमारे पूल में जायदाद आने वाली नहीं है, कानून चाहे जैसा है वैसे बना रहे तब भी वह जायदाद पूल में नहीं आवेगी। हमारे देशपांडे ने जो कहा कि लोग एक आदमी को यहां पर मालिक बना कर छोड़ देते हैं और सारे पार्टनर्स और उनकी फैमिलीज पाकिस्तान में चले जाते हैं और वह शख्स यहां से उस प्रापर्टी से रकम भेजता है, हालांकि हम नहीं चाहते कि ऐसा हो लेकिन इसको रोकना कठिन है क्योंकि जब तक उस शख्स के नाम मिल्कियत है तब तक उस जायदाद को इवैक्वी पूल में शामिल नहीं किया जा सकता। मंत्री जी ने भी इसे स्वीकार किया कि ऐसी स्थिति है। मैं निवेदन करूंगा कि यह जो कम्पेन्सेशन पूल है इसको आप बढ़ाएं और इस काबिल बनाएं जिससे आप शरणार्थियों की क्षति पूर्ति किसी अंश तक कर सकें। जहां तक इस कानून का सम्बन्ध है यह तो समाप्त होना चाहिए। ऐसा कानून हमारी शान के खिलाफ है। संसार में जितने देश हैं उनमें हमारी हैसियत बहुत ऊंची है। ऐसा कानून हमें नहीं रखना चाहिए,

[पंडित मुनीश्वर दत्त उपाध्याय]

भले ही कोई देश चाहे कानून रक्खे भी, लेकिन हिन्दुस्तान नहीं रख सकता।

Shri A. P. Jain: There has been a considerable amount of agreement on two points. Nearly every hon. Member who has taken part in the debate has accepted that the evacuee property law is an extraordinary law, an abnormal law. It has also been generally accepted that this law works heavily upon one section of the people in this country. The difference, however, lies as to whether the time has arrived when this law should be abrogated.

In my opening address to the Sabha I maintained that we have reached a stage of normalcy. India is now perfectly peaceful. Minorities have full protection and equal rights with other citizens. Some doubt has been expressed about this. Shri Gidwani has read out two extracts from the newspapers. Some other friends have also said that people coming from Pakistan are not well received here, and people from here cannot go to Pakistan. May, I, Sir, with all respect to those friends enquire: Do these factors constitute abnormality? Is it not a fact that every Muslim here in India is carrying his avocation like any other citizen? Is it not a fact that under the Constitution he is enjoying equal rights with all other citizens? Is it not a fact that there is no differentiation between him and any other citizen before law? May be that there might have been an incident arising from the planting of a flag here or there? May be there might have been a minor incident arising out of passions and anger. But if you compare the history of India since partition with what was happening before, I have no manner of doubt that the minorities have never enjoyed the freedom, the equality, and the liberty which they are doing today. India is one of those countries which can be proud of its treatment of the minorities. We are treating our nationals belonging to the minority community much better than the American treat theirs.

If an Indian leaves and settles in England or in U.S.A. we do not think there is anything abnormal. But if half a dozen students who have received their training abroad come to Hyderabad and go to Pakistan, is it an evidence of abnormality? Or, assuming that a Ruler or somebody wanted to take moneys to Pakistan, is that a proof of abnormality of conditions in India?

I maintain that in India the conditions are perfectly normal. The effects of the partition have disappeared. Even so we have to examine clause 3, which is a pivotal clause of this law, and before I am entitled to have the vote of the House I must prove beyond all doubt that the provisions of clause 3 are the proper provisions to be enforced under the existing conditions in India.

What does clause 3 say? Hereafter nobody will be declared an evacuee on account of anything done after the 7th May, 1954.

If you once accept that this law is extraordinary, if you also accept that it works heavily upon a section of the people, and if I am able to establish that we have attained normal conditions, is there any justification for the continuance of this law for the future? I say there is no justification. One Member of the House for whom I have great respect, Shrimati Sucheta Kripalani, said that she had no quarrel about the future abrogation.

I come to the acts which were committed before 7th May, 1954 and which would have rendered a person liable to be declared an evacuee. About the first two parts, namely, in regard to properties which have become evacuee properties and in regard to properties against which cases are pending, there is no dispute. The

only difference is about clause (b) namely, about properties which have, according to law, become evacuee properties but in respect of which no proceedings have been started. It is true that in the original draft, we had given a wider application to the provisions of clause (b) namely, that a person who goes to Pakistan or who sends some assets to Pakistan or exchanges property in India with property in Pakistan, or who gets an allotment or otherwise acquires property in Pakistan, would be liable to be proceeded against in the future, if he could be declared an evacuee on account of any act done before 7th May, 1954. Why I have made this change requires explanation.

Pandit Thakur Das Bhargava said that he had no quarrel about abrogation of clause (iii) of section 2 (d), which deals with exchange of property or acquisition or allotment of properties in Pakistan. Experience has shown that where a person had acquired property in Pakistan or had got an allotment of property in Pakistan either in his own name or in the name of his near relative, we have never been able to trace him. In practice, it has not been fruitful to us. On the other hand, it has meant a lot of botheration to others. Cases have been started, but they have not been established. Then there is the case of persons who may be resident in Pakistan, who may be owning property here. Even in the original clause as drafted, we had excluded sub-clause (ii) of clause (d), the reason being that all such properties have been taken over. Clause (ii) of section 2 (d) relates to the time when the evacuee property law was enacted initially in 1947. If a person was a permanent resident of Pakistan in 1947, and his property was in India, his property was liable to be declared evacuee property. All such properties have been taken over and there is no point in repeating a clause which has become infructuous long ago.

That leads me to another point. A person who may have transferred a part of his assets to Pakistan, under the present law, could be declared an evacuee. Why do I abrogate this clause? The reason is simple. More than 99 per cent. of the persons who have been declared evacuees are of those who have gone over to Pakistan. It may be that ·5 per cent. or less are persons who belong to the other categories, I mean sub-clauses (iii), (iv) and (v) of section 2 (d). If we continue to investigate cases of persons who may have transferred some money to Pakistan, please remember that it applies only to cases where money has been transferred before 7th May, 1954, it will lead to some sort of inquisitorial proceedings, long drawnout proceedings where all the accounts will be examined without any substantial results. The whole object of this Bill is to remove any apprehensions from the minds of the minority communities here. If we retain anything which may lead to inquisitorial proceedings or some sort of a general inquiry one of the primary objectives of this Bill will be defeated. Therefore, in my amendment, I have abrogated clauses (iii), (iv) and (v) of section 2 (d) of the Administration of Evacuee Property Act. I think that if we really want to achieve the objects of this Bill, this amendment of which I have given notice is the only proper thing, because, while on the one hand, it does not give protection to a person who has gone to Pakistan and has permanently settled there it saves from harassment persons living in India. I think that is ample justification for what we are doing.

Again, I owe some sort of an explanation about the operation of section 16 of the Administration of Evacuee Property Act. I am afraid that there is a good deal of misunderstanding in the minds of hon. Members about this section. One hon. Member went to the length of saying, why do the Government constitute themselves into a super-appellate court? The purport of the arguments of my hon. friends Shri N. C. Chatterjee and Pandit Thakur Das Bhargava, was practically the same. I am afraid

[Shri A. P. Jain]

they have not correctly appreciated either the object underlying section 16. I want to make it clear that section 16 does not give any power of entertaining appeals from the judgments of the Custodian General. Hon. Members may, I think with profit, read the provisions of rule 15 (B) of the rules framed under the Administration of Evacuee Property Act....

Shri N. C. Chatterjee: The new rules?

Shri A. P. Jain: Yes....which lay down the conditions under which property can be restored under section 16. I shall refer to the main provisions.

It includes firstly persons who have never gone to Pakistan. Secondly, persons who on or after 1st March, 1947 migrated from India to Pakistan, but returned to India before 18th July 1948 and has settled therein. Thirdly, persons who left for Pakistan before 15th October, 1952, on a temporary visit taking with them no-objection certificate and returned under such and such conditions are also included. Then, Meos of Alwar and Bharatpur district.... I can go up to five minutes past four.

Mr. Chairman: Two or three minutes more.

Shri A. P. Jain: Seven minutes more. The Meos of Alwar and Bharatpur. Then, nationals of foreign countries who have not settled in foreign countries and who have not acquired any other property. The conditions are definitely laid down. We have not got any arbitrary power to restore property to any person. I ask hon. Members here to point out the provision to which they object. Section 16 is a part of the original Act. When we decided that the evacuee property may be acquired by the Government for being put in the compensation pool, it was our duty to give an opportunity to persons who could file applications under section 16, to file such applications. About 3,000 applications have been received in regard to urban properties. About 3,000 applications, may be 3,500, have been received with regard to rural properties. A huge bundle of applications has been received from Matsya from the Meos. These applications, I have good reason to think are practically infructuous applications because in Matsya, we have already returned lands to the Meos. It is something which has been long given effect to. May be that some workers, perhaps in over-enthusiasm, may have asked them to do so. In fact, one of their representatives came to me, and he said that he had sent a huge bundle of applications. I said; "Why? Where is the necessity for sending these applications? We have already restored them the land." He said: "Sir, for the sake of abundant precaution." So, the number of effective applications which we have received is 6,500. It is a big number. Many applications may not be based on good grounds. But, it was this House which framed the law that in certain circumstances property could be restored under section 16. I am only following the rule laid down by this House, and what is wrong about it? Whether there is one application, whether there are ten applications, whether there are a hundred applications, if the House makes a law, I am bound to follow it. I am bound to obey it.

Shri N. C. Chatterjee: I take it the hon. Minister's view is—and that is the way he is going to administer the Act—that none of these applications will be allowed unless they conform to the provisions of section 15(d) (ii).

Shri A. P. Jain: Yes. That is what I am saying.

Shri N. C. Chatterjee: Unless they come within one of the conditions.

Shri A. P. Jain: That is the rule.

Now, I ask the hon. Members: what is the objection to it? Is it not this House that framed section 16? Do they want me to disobey the law which they have framed? What is

wrong about the rules? What is unjust about them? I was talking just a few minutes before to Pandit Thakur Das Bhargava, and he said that he could never say that a person who has never been to Pakistan should not get back his property.

And now, Sir, there is one point to which I would like to refer. Two hon. Members of this House have levelled serious charges against my administration. I refer to Maulana Hifzur Rahman and Shrimati Subadhra Joshi. They have said: "Cases are decided once, cases are decided twice, cases are decided thrice, cases are decided four times, and again a notice is served the fifth time."

Shri N. C. Chatterjee: Without any notice.

Shri A. P. Jain: I admit that it may be so in a case, but generally speaking this is a totally false statement.

A deputation of some Members of Parliament recently waited upon the Prime Minister, and in my presence they said that since 7th May, 1954 cases were being indiscriminately reopened, and one gentleman who was a member of the deputation said: "In my knowledge 125 cases have been reopened." I am quite alert. I am not sleeping. I knew that this thing would come up, and I had given a phone call to my Custodian, and made inquiry. He said only five or seven cases had been reopened. He had not the record before him, but I had ordered him to send me full details of those cases. I contradicted the member of the deputation there. Then I sent for the gentleman. Actually eight cases had been reopened. And what was the nature of those cases? In each of those cases the man who had been declared a non-evacuee had gone to Pakistan. There was not one single case in which assets had been transferred. There was not a single case in which there was a question of an exchange of property. There was not a case in which the allegation was that he had acquired property in Pakistan or he had got an allotment made.

Now, what do you want me to do? Why do you complain? A man is declared an evacuee. He goes to Pakistan. Do you want that such a case should not be reopened? Why should it not be reopened? It must be reopened. How am I sinful? What have I done? I am sorry that I am in a rather unhappy position, being cross-fired by both the sides and somewhat in an irresponsible manner.

Shri Nand Lal Sharma (Sikar): We will support you if you are on the correct side.

Shri A. P. Jain: I will never be with you on your side, you may rest assured.

Shri Nand Lal Sharma: I believe you will be.

Shri A. P. Jain: I believe those friends of mine who thought they were supporting me by advancing those reasons were not very helpful friends.

Shri N. C. Chatterjee: Beware of your allies.

Shri A. P. Jain: Because, exaggeration either on one side or on the other side does not help anybody. We are here to take important decisions. We must think over the problem in a dispassionate manner. We should not allow our imagination or our passions to take flight. That is never helpful.

I do hope that this House will now agree that the time has come when we must stop the operation of this extraordinary law. In fact, I am experiencing an abundant measure of agreement.

Mr. Chairman: The question is:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1954."

The motion was negatived.

Mr. Chairman: The next will be the motion of Shrimati Sucheta Kripalani.

Sardar A. S. Saigal (Bilaspur): She is not in her seat.

Mr. Chairman: All right. I must put it to the House.

The question is:

"That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Lala Achint Ram, Shri Gurmukh Singh Musafir, Shri Diwan Chand Sharma, Shri Rohini Kumar Chaudhuri, Dr. Ram Subhag Singh, Sardar Amar Singh Saigal, Shri Radha Raman, Sardar Lal Singh, Sardar Hukam Singh, Shri N. C. Chatterjee, Shri Ajit Prasad Jain, Shri M. Hifzur Rahman, Shri Amjad Ali and the Mover, with instructions to report by the 30th September, 1954."

The motion was negatived.

Shri A. P. Sinha (Muzaffarpur East): Have they given their consent to serve on the committee? (*No answer was given.*)

Mr. Chairman: The question is:

"That the Bill be taken into consideration."

The motion was adopted.

Clause 2.—(*Amendment of section 4, Act XXXI of 1950*).

New clause 2A.— (*Amendment of section 7, Act XXXI of 1950*).

Pandit Thakur Das Bhargava: I have got an amendment.

Mr. Chairman: There is a Government amendment which is really a new clause 2A. Let the Government amendment be moved.

Pandit Thakur Das Bhargava: I have got an amendment No. 18.

Mr. Chairman: Amendment No. 15 stands in the name of Mr. A. P. Jain.

Shri A. P. Jain: No, Sir. I move amendment No. 28, I am not moving amendment No. 15.

Pandit Thakur Das Bhargava: Amendment No. 15 is cancelled by amendment No. 28.

I only want to move my amendment No. 18. It reads:

"That in the amendment proposed by Shri Ajit Prasad Jain, printed at No. 15 in List No. 9 of amendments,—

(i) after "shall be inserted" insert—"and shall be deemed always to have been inserted".

Mr. Chairman: The rest of it he does not want to move?

Shri A. P. Jain: It is incorporated in amendment No. 28 because it reads as follows:

"In section 7 of the principal Act after sub-section (1) the following sub-section shall be inserted, and shall be deemed always to have been inserted, namely:—..."

Shri N. C. Chatterjee: That is really to negative the effect of the judgment. I think we should all accept it.

Shri A. P. Jain: I have already incorporated it. My amendment No. 28 is amendment No. 15 plus Pandit Thakur Das Bhargava's amendment.

Pandit Thakur Das Bhargava: That may be accepted.

Shri A. P. Jain: I beg to move:

In page 1, after line 13, add:

"(2A) *Amendment of section 7, Act XXXI of 1950.*—In section 7 of the principal Act after sub-section (1) the following sub-section shall be inserted, and shall be deemed always to have been inserted, namely:—

(1A) Where during the pendency of any proceeding under sub-section (1) for declaring any property to be evacuee property any person interested in the property dies, the proceeding shall, unless the Custodian otherwise directs, be continued and disposed of as if such person were alive."

Mr. Chairman: There is no other amendment.

Amendment moved:

In page 1,—after line 13, add:

"(2A) *Amendment of section 7, Act XXXI of* 1950.—In Section 7 of the principal Act after sub-section (1) the following sub-section shall be inserted, and shall be deemed always to have been inserted, namely:—

(1A) Where during the pendency of any proceeding under sub-section (1) for declaring any property to be evacuee property any person interested in the property dies, the proceeding shall, unless the Custodian otherwise directs, be continued and disposed of as if such person were alive."

Shri Mohiuddin (Hyderabad City): I think this amendment has arisen out of the Supreme Court decision in the case of a person who was living in Bombay. The Supreme Court decision was that if a person dies during the pendency of the case before the Custodian or the Custodian-General, that is to say, before the person was declared an evacuee, then the case will not proceed any further. Their argument was that under the Muslim law, as soon as the father dies, the property passes to the son. But what is now sought to be done is to supersede the Supreme Court decision. If the son or the sons or the inheritors were living in India, they had never left India or gone to Pakistan, and they had not done anything under which they can be declared as evacuees, still, the amendment that has been proposed seeks to visit the sins of the father on the sons. That, I think, is very unreasonable. The new amendment No. 28, proposed by the hon. Minister goes still further and says that it will be treated as if it was already there in the Act from its inception. My reason for opposing this amendment is as follows.

In case the father and the son have gone over to Pakistan or their heirs have gone over to Pakistan, there is full justification to proceed with the case, even if the owner of the property dies, because the heirs also have gone to Pakistan and would be declared evacuees in any case. But here is a quite different proposition.

[MR. DEPUTY-SPEAKER *in the Chair*]

Even though the son, in spite of the fact that the father has gone to Pakistan, has refused to go to Pakistan, still the sin of the father is sought to be visited on the son. I do not see why the son should be punished for the sin of the father, and why even though during the life-time of the father, the property was not declared evacuee property, new proceedings should be taken against the son or the heirs, and new notices will have to be issued against the heirs, who have not committed the offence for which they can be declared evacuees. That is the reason why I feel that this amendment is not desirable or necessary, and therefore, should not be accepted by the House.

Shri A. P. Jain: I disagree with the proposition of law advanced by the hon. Member. If a Muslim has created a mortgage on his property, does the property devolve upon the heir free from the mortgage? If there is a disability or restriction attached to the property, does the property devolve upon a Muslim heir free from the liability or the restriction? It is a well-established principle of law accepted all over the world that a person who derives a title from another person cannot derive a larger title than was possessed by the transferer. Now, if the father's property was liable to be declared as evacuee property, the son cannot derive a title to the property, which is larger than the father's title. The father's property was subject to the restrictions imposed by the evacuee property law, and the son cannot inherit a larger title to the property.

Apart from that, the hon. Member has also referred to the larger question of the father, and the son who is here. It is a fact that many owners

[Shri A. P. Jain]

of the property have gone to Pakistan, and their sons are here. It has been repeated more than once in the House that the refugees have left in Pakistan property three or four or even five times more valuable than what the Muslims have left here. The father who goes to Pakistan gets his share in the evacuee property left by the refugees who have come here, while here the son is a national of India, and inherits the father's property. So, they benefit both ways; the father gets in Pakistan, while the son gets in India. But the refugee here loses his property there, because the property is left in Pakistan, and he does not get any share here in the evacuee property, because the property of the evacuee is given over to the son. So, whether judged from the legal point of view, or from the moral point of view, whatever criterion you may apply, the arugments advanced by my hon. friend are untenable, and I hope the House will not accept them.

Pandit Thakur Das Bhargava: The House is committed to the principle of this amendment by virtue of section 43 of the Act. We are only repeating here the very words of section 43 which exists there already in the Act.

Mr. Deputy-Speaker: I shall now put both clause 2 and the new clause 2A as embodied in Government amendment No. 28. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Mr. Deputy-Speaker: The question is:

"That in page 1, after line 13, add

'2A. *Amendment of section 7, Act XXXI of* 1950.—In section 7 of the principal Act after sub-section (1) the following sub-section shall be inserted, and shall be deemed always to have been inserted, namely:—

(1A) Where during the pendency of any proceeding under sub-section (1) for declaring any property to be evacuee property any person interested in the property dies, the proceeding shall, unless the Custodian otherwise directs, be continued and disposed of as if such person were alive."

The motion was adopted.

New clause 2A was added to the Bill

Clause 3.— (*Insertion of new section 7A in Act XXXI of* 1950)

Shri A. P. Jain: I beg to move:

That in page 2, for lines 1 to 3 substitute

"(b) the property of any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India, and who on the 7th day of May, 1954, was resident in Pakistan:

Provided further that no notice under section 7 for declaring any property to be evacuee property with reference to clause (b) of the preceding proviso shall be issued after the expiry of six months from the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation I.—A person who had left India for Pakistan before the 7th day of May 1954, on the authority of a passport or any other valid travel document issued by any competent authority in India, and who was temporarily residing in Pakistan on that date, shall not be deemed to have been resident in Pakistan on that date within the meaning of clause (b) of the first proviso.

Explanation II.—A person who had left Pakistan for India on or after the 18th day of July, 1948, and who was in India on the 7th day of May, 1954, shall, unless he came to India under a valid permit for permanent return or for permanent resettlement, issued

under the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of clause (b) of the first proviso."

Mr. Deputy-Speaker: Amendment moved:

In page 2, for lines 1 to 3 substitute

"(b) the property of any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India, and who on the 7th day of May, 1954, was resident in Pakistan:

Provided further that no notice under section 7 for declaring any property to be evacuee property with reference to clause (b) of the preceding proviso shall be issued after the expiry of six months from the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation I.—A person who had left India for Pakistan before the 7th day of May, 1954, on the authority of a passport or any other valid travel document issued by any competent authority in India, and who was temporarily residing in Pakistan on that date, shall not be deemed to have been resident in Pakistan on that date within the meaning of clause (b) of the first proviso.

Explanation II.—A person who had left Pakistan for India on or after the 18th day of July, 1948, and who was in India on the 7th day of May, 1954, shall, unless he came to India under a valid permit for permanent return or for permanent resettlement, issued under the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of clause (b) of the first proviso."

Shri Pataskar (Jalgaon): I propose an amendment to this amendment.

Mr. Deputy-Speaker: Has notice been given of that?

Shri Pataskar: I gave notice just now, but the hon. Minister is willing to accept it.

I beg to move:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments, after the proviso add the following Explanation I and renumber Explanations I and II as Explanations II and III respectively:

"*Explanation I.*—A person shall be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date."

Mr. Deputy-Speaker: Amendment moved:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments, after the proviso add the following Explanation I and renumber Explanations I and II as Explanations II and III respectively:

"*Explanation I.*—A person shall be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date."

There are some amendments in the name of Lala Achint Ram. Is the hon. Member moving them?

Lala Achint Ram: No.

Mr. Deputy-Speaker: Then, there are some amendments in the name of Pandit Thakur Das Bhargava. Is the hon. Member moving them?

Pandit Thakur Das Bhargava: Yes. First, I have amendment No. 19. I want to make a small change in amendment No. 19. I want to move amendment No. 19, with the words 'on the 7th day of May', where they occur for the second time in (ii), as not having been there.

I beg to move:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments, in (b),

(i) for "had left" substitute "leaves or has left";

(ii) for "and who on the 7th day of May, 1954, was resident in Pakistan" substitute "and who was resident in any place not forming part of India";

(iii) omit the proviso;

(iv) in Explanation I, wherever it occurs, for "in Pakistan" substitute "in any place not forming part of India";

(v) in Explanation II, for "in Pakistan" substitute "in any place not forming part of India";

(vi) add at the end

"(c) the property of any person who has done any of the acts specified in sub-clauses (iii), (iv) and (v) of clause (d) of section 2 and who comes within the definition of sub-clause (ii) of the said clause (d) of section 2."

Mr. Deputy-Speaker: Amendment moved:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments, in (b),

(i) for "had left" substitute "leaves or has left";

(ii) for "and who on the 7th day of May, 1954, was resident in Pakistan" substitute "and who was resident in any place not forming part of India";

(iii) omit the proviso;

(iv) in Explanation I, wherever it occurs, for "in Pakistan" substitute "in any place not forming part of India";

(v) in Explanation II, for "in Pakistan" substitute "in any place not forming part of India";

(vi) add at the end

"(c) the property of any person who has done any of the acts specified in sub-clauses (iii), (iv) and (v) of clause (d) of section 2 and who comes within the definition of sub-clause (ii) of the said-clause (d) of section 2."

Pandit Thakur Das Bhargava: I have got amendments Nos. 20, 21, 22 and 23. As regards amendments Nos. 21, 22 and 23, they are really one amendment; they have been separated in three different parts.

I beg to move:

(1) In page 2, for lines 1 to 3, substitute,

"(b) the property of any person who has done any of the acts specified in sub-clause (i) and (iv) of clause (d) of Section 2 and answers the description given in sub-clause (ii) of clause (d) of Section 2".

(2) In page 2, line 2, omit "(iv)".

(3) In page 2, line 3, omit "before the 7th day of May, 1954".

(4) In page 2, after line 3, add

"(bb) the property of any person after the 18th day of October, 1949 transferred to Pakistan without the previous approval of the Custodian his assets or any part of his assets situated in any part of the territories to which this Act extends or who transfers the

same after the 7th day of May 1954, without the previous approval of the Central Government".

Shri N. C. Chatterjee: I beg to move:

(1) That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments—

(i) In the proposed part (b)

(a) omit "and who on the 7th day of May, 1954, was resident in Pakistan:";

(b) omit the Proviso; and

(c) omit Explanations I and II; and

(ii) after the proposed part (b) add

"(c) the property of any person which ought to have been declared evacuee property under this Act."

(2) In page 2, line 2, for "sub-clauses (i), (iii), (iv) and (v)" substitute "any of the sub-clauses (i) and (v)".

Mr. Deputy-Speaker: Amendments moved:

(1) In page 2, for lines 1 to 3, substitute,

"(b) the property of any person who has done any of the acts specified in sub-clauses (i) and (iv) of clause (d) of Section 2 and answers the description given in sub-clause (ii) of clause (d) of Section 2".

(2) In page 2, line 2, omit "(iv)".

(3) In page 2, line 3, omit "before the 7th day of May, 1954".

(4) In page 2, after line 3, add

"(bb) the property of any person after the 18th day of October, 1949 transferred to Pakistan without the previous approval of the Custodian his assets or any part of his assets situated in any part of the territories to which this Act extends or who transfers the same after the 7th day of May 1954, without the previous approval of the Central Government".

(5) That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments—

(i) In the proposed part (b)

(a) omit "and who on the 7th day of May, 1954, was resident in Pakistan:";

(b) omit the Proviso; and

(c) omit Explanations I and II; and

(ii) after the proposed part (b) add

"(c) the property of any person which ought to have been declared evacuee property under this Act."

(6) In page 2, line 2, for "sub-clauses (i), (iii), (iv) and (v)" substitute "any of the sub-clauses (i) and (v)".

Mr. Deputy-Speaker: Who wants to speak first?

Shri A. P. Jain: I have explained my amendment *in extenso.*

Shri Pataskar: I will just explain what my amendment is. It reads:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of Amendments—

after the proviso add the following Explanation I and renumber Explanations I and II as Explanations II and III respectively

"*Explanation I.*—A person shall be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date".

The whole idea underlying the clause is that in clause 7A we are going to

[Shri Pataskar]

lay down that notwithstanding anything contained in this Act no property shall be declared to be evacuee property on or after the 7th day of May 1954. That means that after that date, no property shall be declared as evacuee property. But then we further proceed to make some exceptions to that. The first proviso is:

> "Provided that nothing contained in this section shall apply to any property in respect of which proceedings are pending on the 7th day of May 1954, for declaring such property to be evacuee property".

So this will not apply to that. Then by amendment No. 16 there is a further exception provided, namely:

> "the property of any person, who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India, and who on the 7th day of May 1954, was resident in Pakistan".

Now, the hon. Member, Mr. Chatterjee, when he spoke on the consideration stage, pointed out that this wording 'who on the 7th day of May 1954, was resident in Pakistan' was capable of an interpretation that a man might have migrated from the Dominion of India and might have been living in Pakistan, but that on the 7th day of May 1954, if he was away from Pakistan, this condition was not fulfilled and so his property could not be touched and it could not be declared evacuee property. That probably was not the intention of Government. Therefore, it is to clear this that I have moved this amendment. I only want to clarify this by adding an Explanation. We know the word 'resident' is, no doubt, a vague term. Ordinarily, it may mean ordinarily residing. But coupled with the fact that it says 'who on the 7th day of May 1954 was resident in Pakistan'. I also thought that this was liable to be interpreted in a court of law very strictly that on that particular date if he was resident in Pakistan, then alone it would apply to him. Therefore, I have added this Explanation that a person shall be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date. The idea underlying this amendment is that persons who have left India after the 1st March, 1947 and who were ordinarily residing in Pakistan, should not escape, because they must have acquired properties. That being the motive, I wanted to clarify it by providing that he shall be deemed to have been resident in Pakistan on the 7th day of May 1954 within the meaning of clause (b) of the first proviso if he was ordinarily resident in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date. So that is made clear. It does not matter whether he was actually present in Pakistan on the 7th May or not. If he is ordinarily resident in Pakistan, then naturally it will apply.

I hope that Government will accept this amendment. Some of the other amendments also may not be found necessary. Of course, I have not studied them, but I will say that this will clarify the intention which the Government also probably had, because nobody wants that the property of people who have migrated and have settled down should be exempted from the provisions of this Act.

Shri A. P. Jain: This amendment clarifies the position and is acceptable to me.

Pandit Thakur Das Bhargava: In my amendment No. 19, I want that for "had left" the words "leaves or has left" should be substituted. In regard to this 'Pakistan' affair, I want that for the words "and who on the

7th day of May 1954, was resident in Pakistan" the following words be substituted: "and who was resident in any place not forming part of India". Similarly, for the words "in Pakistan", I want to substitute "in any place not forming part of India". I want to add at the end:

> "(c) the property of any person who has done any of the acts specified in sub-clauses (iii), (iv) and (v) of clause (d) of Section 2 and who comes within the definition of sub-clause (ii) of the said clause (d) of Section 2".

This means that it really just adds up what is sought to be taken away by the new amendment of the hon. Minister. If this is not acceptable to the hon. Minister, then I have got alternative amendments— 21, 22 and 23.

Shri Mohiuddin: May I seek a clarification from the hon. Member? If a person is on the 7th May, say, in Australia or Austria or Germany, what would happen? Is he covered?

Pandit Thakur Das Bhargava: The hon. Member would have been well advised in asking for this clarification after I had finished, because I proposed to speak on this very point.

Now, in the alternative amendments, Nos. 21 to 23, which, with your permission, I moved, all at one time, I want that the words "before the 7th day of May 1954" be taken away and in the second, I want to add the following:

> "the property of any person after the 18th day of October 1949 transferred to Pakistan without the previous approval of the Custodian his assets or any part of his assets situated in any part of the territories to which this Act extends or who transfers the same after the 7th day of May 1954, without the previous approval of the Central Government".

As an alternative to these two, I have moved another amendment, No. 20, which says:

> In page 2, for lines 1 to 3, substitute
>
> "(b) the property of any person who has done any of the acts specified in sub-clauses (i) and (iv) of clause (d) of Section 2 and answers the description given in sub-clause (ii) of clause (d) of Section 2".

My purpose in moving this amendment is very simple. I am not convinced, even after hearing all the speeches of the hon. Minister and other friends, that the time has come when this law should be abrogated. I am definitely of the opinion that we are not doing the right thing by abrogating this law at the present stage. Not that I want that any restrictions may remain on my fellow-citizens. At the same time, I am afraid, as I said already, that a good chunk of money may be taken out of India.

Dr. Rama Rao (Kakinada): On a point of order. There is no quorum.

Mr. Deputy-Speaker: Could we not extend the rule which applies between 1 and 2.30 p.m.? (*Interruptions*). All right, let the bell be rung. (*The bell was rung*).

Mr. Deputy-Speaker: The hon. Member may go on; this is only discussion and not voting.

Pandit Thakur Das Bhargava: I was submitting that so far the Government has not supplied us with any figures as to how much will be the amount of money that will go out of India as a result of all these intending evacuees to sell their properties and go away from India. Some persons have told me that it may amount to Rs. 50 crores. It may be perfectly wrong; I do not stand by that figure. But, I would like the Government to satisfy us with figures. But, at the same time, if such fears are aroused, I humbly submit that national interests of a very high order require that such an

[Pandit Thakur Das Bhargava]

amount of capital should not be allowed to go out of India. The Government should have either given us an assurance that they have plugged all the holes and capital will not fly away in this manner or they should have given us to understand—given us some reasons to believe—that there is no likelihood of such an amount of capital flying away from the country. My friend the hon. Minister says—and he has taken a good length of time in impressing this point on us—that the times are not abnormal. This may be true so far as the law and order position is concerned. But the times are not normal in the sense that I have come to know that there are many persons who are eagerly waiting for the time when they can sell their properties and run away to Pakistan. This is what I have been told and this may be perfectly true because for so many years these persons have not been allowed to go away. Therefore, there is every reason to believe that they are eagerly waiting for this law to be passed, to sell away their properties and to run away to Pakistan. Though I am very desirous of having normality in this matter also in India, I cannot possibly accept the situation unless and until we are satisfied on this point.

As regards the amendment in which I wanted to say that for 'Pakistan', 'any place not forming part of India' should be substituted, I rely on 2(d) (i) of the original Act. The words are:

> "who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, leaves or has, on or after the 1st day of March, 1947, left, any place in a State for any place outside the territories now forming part of India,"

I am only reverting to the law which was framed by Shri A. P. Jain—the original Act. He has not given any argument why he wants to change the words to Pakistan now. If he had given any argument, I would have considered it. Now, I am perfectly justified in putting these words.

My humble submission is this; if there was any time when this (d) (iv) should have been kept in this law, it is the present time. In 1953, not long ago, we changed the law and we allowed those persons who wanted to transfer their properties to the tune of Rs. 5,000 or less to transfer them. They had to seek no permission and they could sell away their properties, without any sort of questioning by any other person. I am anxious that those persons who want to sell away their property may be able to sell it provided some means are adopted to see that they do not send away the money out of India. If that can be done, then transfers with the previous approval of the Custodian may be allowed. Even if it may be considered irksome, it may be laid down that properties of the value of a lakh of rupees—or some such limit—may be sold if the proceeds do not go out of India.

When I spoke at the consideration stage, I made it very clear that though the foreign exchange restrictions are there, I am afraid that it is not likely that smuggling will not be resorted to or money will not be taken away. I thought that some reply would be given to me by the hon. Minister but he did not give a reply. As a matter of fact, I often feel that it is very difficult even for the Minister to say that he will be able to say that no money will go away. After all, he can only take some precautions. But, we know how in spite of precautions money has been flying away. I would not be anxious if the amount of money is not large but if it is say Rs. 50 crores and more, then, I think, the national economy of India will be shaken to such an extent—to such a large extent—that we shall have to repent why we passed this law. I, therefore, submit that this was the

occasion—when the floodgates are being opened for mass transfer of properties then we should have seen to it that some break-water arrangements are made so that the money could not fly away, and I am sorry these arrangements are not sought to be made. Therefore, my submission is that some such arrangement be made and then only we will be able to justify that this law may be abrogated. Otherwise, my submission is that my amendment should be accepted at least in regard to two matters (1) and (4). In regard to these two at least, we should make arrangements to see that the capital of India is not allowed to fly away because, after all, we know what is happening in Pakistan.

Even today we hear that from East Pakistan, instead of 3,000 persons 10,000 persons are coming every month. This is really disquieting (*Interruption*). My submission is this; we may not be moved even by this thing but it is not possible to throw it away from our minds. After all, we kept this law for seven years for the purpose of seeing that India's economy is not rudely shaken and we are now, without any good reason, doing away with that. I do not know what is the sacredness about the 7th of May, 1954. Why should we have it? It may prove detrimental to the best interests of India. We should not run after slogans, shibboleths, theories and dogmas. My humble submission is that the time has not come when we should abrogate this law. Let us be of the earth, earthly and practical.

I may be agreeable to say (iii) and (v) of clause 2(d) may be abrogated because I know that such cases are rare. You cannot find cases of this nature and they may be abrogated. There is no point in putting more restrictions than are absolutely necessary. But, in regard to (iv) I am very specific and I hope the hon. Minister will consider this before he asks us to pass this Bill.

Shri N. C. Chatterjee: The Statement of Objects and Reasons shows that the Government want this Bill to be passed into an Act because the Government have decided to acquire the right, title and interest of the evacuee owners in their properties in India and utilise such properties for payment of part compensation to displaced persons.

Now, I do not know whether you have got a copy of the Evacuee Property Act, as it stands now. If you have got a copy, kindly look at section 2(d). Evacuee is defined in section 2(d). There are five categories. The hon. Minister says that he will keep only category (i). We do not press him to keep all the other categories. We are pressing him to have only category (iv). If you will look at (iv), it says:

> "who has, after the 18th day of October, 1949, transferred to Pakistan, without the previous approval of the Custodian, his assets or any part of his assets situated in any part of the territories to which this Act extends;"

Therefore, if anybody transfers any asset to Pakistan without the consent of the Custodian, he shall be an evacuee under this Act; whether he goes to Pakistan or remains in India, it does not matter. The Minister now says that he wants this Bill for another purpose not stated in the Statement of Objects and Reasons, to remove the apprehension of the minorities. He is, therefore, making it easier for them. But, my hon. friend, Maulana Saheb stood up and said that he did not want this. On behalf of the Muslim minority, he said, punish or penalise any man who transfers any assets from India to Pakistan. That man has no right to escape the rigours of this law. He demanded that serious impediments should be put so that national assets should not be removed from India to Pakistan. Therefore, I am appealing, I am joining in the appeal of Pandit Thakur

[Shri N. C. Chatterjee]

Das Bhargava. There is absolutely no justification for removing sub-clause (iv). The minority representative, the oldest champion, he is not demanding it.

You will kindly see sub-clause (i). It says:

> "who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, leaves or has, on or after the 1st day of March, 1947, left, any place in a State for any place outside the territories now forming part of India...."

We are asking the hon. Minister to stop there. If you look at his amendment No. 16, you will see that he is not merely quoting this *verbatim* but has added the words, 'who, on the 7th day of May, 1954, was resident in Pakistan'. I appeal to him to realise that it is a mischievous amendment which ought not to be put in. Evacuee is a man who has left. We have these conditions prescribed. That has been our law from 1947. First of all there was the Ordinance.

Mr. Deputy-Speaker: If he had come back a few days before 7th May, 1954?

Shri A. P. Jain: If he has come under a permanent settlement permit, then he will be deemed to have returned to India. Otherwise he will be still treated as a resident of Pakistan.

Mr. Deputy-Speaker: Specific residence is not necessary, is it?

Shri A. P. Jain: No. Kindly see explanation No. II of my amendment: A person who had left Pakistan for India on or after the 18th day of July, 1948, and who was in India on the 7th day of May, 1954, shall, unless he came to India under a valid permit for permanent return or for permanent resettlement, issued under the Influx from Pakistan (Control) Act, 1949, be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of clause (b) of the first proviso." That is clear.

Mr. Deputy-Speaker: So resident in Pakistan is different from residing in Pakistan? How do you express the actual residence on that day?

Shri A. P. Jain: I have got a number of rulings and interpretations on that:

> "Where a person goes away from a parish for a temporary purpose, leaving a house or lodging behind him, he is still in effect residing in the parish."

There are also a number of other rulings that if he temporarily goes from his residence, he continues to be a resident. Now a further explanation has been added by Mr. Pataskar which makes the position still clear.

Mr. Deputy-Speaker: That is, he must have been a permanent resident of the place. Suppose an hon. Member goes on a delegation to England for three or four months. He is still a resident of India. It assumes that he was a permanent resident of India and a temporary resident elsewhere. In this state of flux between India and Pakistan, what can be said whether he became a permanent resident of Pakistan or not?

Shri A. P. Jain: I read out Explanation II in my amendment which makes the position clear. If he comes to India on a permanent settlement or a permanent resettlement permit, he will not be resident of Pakistan; otherwise he will be deemed to be a resident of Pakistan.

Mr. Deputy-Speaker: All right.

Shri N. C. Chatterjee: All that I am submitting is there is absolutely no necessity for drafting any further restriction to clause (i) of sub-section (d) of section 2. We are having this law from 1947. You may remember, Sir, that this was taken practically

verbatim from the old Ordinance, and then it was transmuted into an Act. Then it was made a Central Act. Then it was brought into this Act. And why create complications? This means that from 1947 right up to 1954 he must be a resident of Pakistan. But he may not be a Pakistan resident actually for all the seven years. He may be there for four years. He may take a job and go to England. Our section was so widely worded—and I submit properly worded—to rope in these cases. You should not in any way whittle down that law. Take your sub-section (d) (i) as it is in the Act. If you think that sub-section (ii) is no longer operative, or that sub-section (iii) no longer needs to be in effect, nor sub-section (v), omit them. But for heavens' sake do not omit sub-section (iv). Sir, you have seen that sub-section. That is based on the basic principle which every section of the House is demanding. Even the Muslim Members, for instance Maulana Saheb said "I do not plead for any mercy or any exemption or any favour or any concession to be given to a person who is transferring his assets from India to Pakistan; I do not want it". Therefore, that is the basic principle, and we submit that even if you want to appease or satisfy the minority, remove all their apprehensions and show that you are really secular, much more secular than any other secular State in the world, do it. But why do this thing? Here is sub-section (iv) which Parliament in its wisdom enacted in 1947. This Act has been thrice amended. But every time we have kept sub-section (iv), because that is the basic principle.

You know that assets have been transferred. We do not want to go into details. This is happening in my city of Calcutta. There was a big firm. They have transferred their assets. Of course some people are here but the majority have transferred their allegiance to Pakistan and have gone there.

Pandit Thakur Das Bhargava: One man in U.P. is alleged to be entitled to get Rs. 88 lakhs worth of bonds, and he may leave. God alone knows. The bonds are transferable and money may be smuggled out.

Shri N. C. Chatterjee: That is the whole object of section 40.

Mr. Deputy-Speaker: Is the hon. Member contending that this Bill need not be passed?

Shri N. C. Chatterjee: Section 40 is being abrogated. The result would be that we would be giving a charter to anybody. My respectful submission was that those who have incurred the offences contemplated under the Act—even if you put it as 7th May 1954—up to the 7th May those who have been declared evacuee should not escape.

Mr. Deputy-Speaker: How does it prevent future sales from going on?

Pandit Thakur Das Bhargava: 7th May should be taken away. I am not for the abrogation of the section. I am for amendment. Money should not be allowed to go away from India. Even if they are out to sell, the hon. Minister should make arrangements to see that they do not send away the money.

Shri N. C. Chatterjee: I do not accept 7th May. But even if you have 7th May, keep the present section that no property can be transferred except with the consent of the Custodian, so that the Custodian knows for how much you are selling. Suppose you are selling for Rs. 10,000 and for some purpose you want to remove Rs. 1,000, it is understandable. But suppose a man is selling properties worth Rs. 10 lakhs and wants to take it away, then Government has some check on it. The third thing is, do not restrict the ambit, the definition of the term 'evacuee', which may be going against basic principles.

Shri A. P. Jain: If I have understood the hon. Members correctly, they have made out two points: one, that the abrogation of sub-clause (iv) of clause (d) of section 2 of the Act

[Shri A. P. Jain]

will lead to the migration of capital from India to Pakistan; secondly, that there should be no condition attached that the person must be a resident of Pakistan on the 7th May, 1954. These are the two points.

So far as the first point is concerned, all sections in the House agree that we must take all possible and reasonable steps to stop the flight of capital from India to Pakistan. This is not a phenomenon which has occurred or which is going to occur for the first time in India. Flight of capital and assets from one country to another is a phenomenon which has occurred and may occur in any country in the world. Let us see what are the steps that they adopt. Even today, the commonwealth are trying to conserve their sterling balances. Dollar is a hard currency. None of the countries have so far laid down that if a person transfers any assets to any other country against exchange control, all his property will be forfeited. Today, declaration of any property as evacuee property means virtual forfeiture in view of the other law that we have passed. There are certain well-recognised principles according to which flight of capital is stopped from one country to another or to outside countries, and they are the exchange controls. In respect of flight of our capital to the rest of the world, we apply exchange controls. I have requested the Finance Minister to carefully examine the rules about exchange controls to see that all possible loopholes are plugged so that flight of capital to Pakistan may be stopped. But, once we agree that abnormal conditions have disappeared, it would be something uncivilised that we should deprive a person of his property because he is sending capital out of India. So far as the evacuee property law is concerned, it was passed in special circumstances and in the conditions arising on account of the partition. It was an extraordinary law, a very hard law. But, there was no alternative to it. My contention all along has been that we have reached a stage of normality. I am not prepared to say that there will be no person who may try to smuggle capital to Pakistan. I cannot speculate about that. How can I say whether how many persons will like to go to Pakistan? My own idea is that very few persons will now like to go and settle in Pakistan. Of late, we have been inundated with applications of persons who want to return to India. The traffic is more the other way. Nevertheless, I will not indulge in any speculation. The only proper method to stop the flight of capital to Pakistan is to tighten up the rules of exchange control and I am one with the hon. Member that we should do it to the utmost extent possible. But, to make it a condition that if a person smuggles his capital to Pakistan all his property will be forefeited....

Pandit Thakur Das Bhargava: Including the price of those properties which he is selling.

Shri A. P. Jain: If a person smuggles any contraband article, he is punished heavily. He is fined. In the case of a person who wants to transfer capital to Pakistan, let him be punished under the ordinary law in the same manner as any other person who wants to smuggle anything out of India or who wants to smuggle anything into India.

Mr. Deputy-Speaker: I understood the hon. Members to mean that a difference ought to be made in regard to evacuees. That is their case. Not that the ordinary law does not apply. They would have been evacuees originally. They may be waiting for this sort of a law for transferring their assets.

Shri A. P. Jain: The object of this law is that nobody should be declared an evacuee for anything done after 7th May, 1954. He becomes a normal citizen like other citizens. If I smuggle something out of India to Japan, against exchange control

rules, I am liable to be punished. Similarly if I smuggle anything to Pakistan, let me be punished in the same way. If there are any loopholes because Pakistan is our next-door neighbour, tighten up the rules. Let the normal laws operate.

Pandit Thakur Das Bhargava: Are any persons eager to go to Japan also as they are eager to go to Pakistan?

Shri A. P. Jain: People are eager to buy dollars in America.

Pandit Thakur Das Bhargava: Do they want to transfer them to any other country?

Shri A. P. Jain: They are prepared to send money out to America. I took it as an example.

Mr. Deputy-Speaker: What about those who have already transferred contrary to regulations?

Shri A. P. Jain: I have said enough with regard to it. We must give an amnesty to persons who have transferred before 7th May because it will lead to a lot of inquisitorial proceedings, and call for examining everybody's case without yielding substantial results to the evacuee pool.

The second point is, why we have laid down the condition that a man must be a resident of Pakistan on the 7th May, 1954. The House is aware that quite a number of persons have been granted permanent return permits and permanent resettlement permits under the 1949 law. They have come back under our authority and have settled in India. If their property was taken over, we have not yet returned it to them except in certain circumstances specified in a certain notification. If his property has not been taken over, and he has come back to India and he has settled here, it will be hard to start fresh proceedings. That is the reason why we have laid down that condition. I think the law which is laid down in the amendment made by me is the proper and equitable law.

Shri Kazmi (Sultanpur Distt.—North *cum* Faizabad Distt. South-West): May I say a few words, Sir? I have been listening carefully....

Mr. Deputy-Speaker: Is the hon. Member putting a question for clarification or is he making a speech?

Shri Kazmi: I am speaking.

Mr. Deputy-Speaker: Why did he not do so earlier?

Shri Kazmi: Only one word; I would not take much time.

Mr. Deputy-Speaker: It is not a question of time.

Shri Kazmi: This is a point which has not been brought in the arguments.

Mr. Deputy-Speaker: Not only here, but otherwise also. I am allowing all opportunities to all hon. Members to speak. If the hon. Member had stood up, he would have been called. I would not have ignored him. I thought I must call upon the hon. Minister at the end. I have no objection. I will make an exception. Any hon. Member who wants to speak will have ample opportunities, particularly in a matter of this kind. I will call upon the hon. Minister at the end.

Shri Kazmi: Only one word. The question is how far it is possible for us, without contravening the Constitution itself, to declare a person who transfers his assets from India to outside countries, as a non-Indian. In the Constitution, articles 5 and 7 define the nationality of any person who is a citizen of India. Under article 5, a person who is a resident for five years at the time of the enforcement of the Constitution, is an Indian national. Article 7 makes an exception that persons who have migrated to Pakistan and have not come back on permanent resettlement will not be included in that definition. My submission is: can a person who is a resident of India and who before or

[Shri Kazmi]

after 7th May transfers any of his assets to Pakistan or any country outside India, under the Constitution, be declared to be a non-Indian national? The articles of the Constitution are clear on that point. Just as has been observed by the hon. Minister, you can impose any restrictions. You can have a law for punishing the people who send their money outside India. But to declare a person not to be an Indian merely because he sent away any money, would be going against the Constitution. This is a further argument which, I think, has to be considered in this connection.

Shri N. C. Chatterjee: May I point out, Sir,—there are latest cases—the question of nationality is wholly foreign to the scope of the enquiry as to an evacuee under this Act. Even in the case of an Indian national, if he falls within the purview of the definition of an 'evacuee', if somebody transfers his assets to Pakistan, so as to come under this clause, he must be held to be an evacuee, despite his Indian nationality. With regard to transfer of assets, there is no question of nationality. Anybody if he transfers will come under it.

Shri Kazmi: You mean he will not be protected by article 19? Will he be deprived of all his properties?

Shri N. C. Chatterjee: I do not think so. This point is also covered by authority.

5 P.M.

Mr. Deputy-Speaker: Certainly it will be removed now. That was clause 4(a). About 4, the hon. Minister has just said he finds it will be somewhat inquisitorial. It is not easy to trace out who transferred, who did not transfer. No purpose will be served in continuing it to put a ban on such persons and then trying to find it out. He himself says it is difficult. Therefore, it is with respect to the past. With respect to the future, the hon. Minister says that the general law of the land must apply to all persons who are resident here. It must be open to them to sell, subject to all such restrictions regarding transfer, exchange regulations and so on. We have had enough clarification. It is for the House to decide which way to vote.

First I will put the amendment to the amendment of Shri A. P. Jain—Mr. Pataskar's amendment.

The question is:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of amendments, after the proviso add the following Explanation I and renumber Explanations I and II as Explanations II and III respectively—

"*Explanation I.*—A person shall be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date."

The motion was adopted.

Mr. Deputy-Speaker: This amendment of Mr. Pataskar is carried. What are the other amendments? No. 29 is one amendment. No. 19 is another amendment.

Pandit Thakur Das Bhargava: Nos. 19, 21, 22 and 23. Amendment No. 20 is a substantive amendment.

Mr. Deputy-Speaker: What is amendment No. 20?

Pandit Thakur Das Bhargava: Amendment No. 20 is a substantive amendment to the Bill.

Mr. Deputy-Speaker: If amendment No. 16 is carried, then amendment No. 20 will be barred.

Pandit Thakur Das Bhargava: Yes.

Mr. Deputy-Speaker: Let me take up the amendments to amendment

No. 16. If amendment No. 16 is thrown out, then I will call amendment No. 20 of Pandit Thakur Das Bhargava.

Is the hon. Minister accepting any of these amendments?

Shri A. P. Jain: No, Sir.

Mr. Deputy-Speaker: Shall I put amendment after amendment to the vote of the House or all of them together?—as the hon. Members may choose.

The question is:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of amendments, in (b),—

(i) for "had left" substitute "leaves or has left".

(ii) for "and who on the 7th day of May, 1954, was resident in Pakistan" substitute "and who was resident in any place not forming part of India".

(iii) omit the proviso.

(iv) in Explanation I, wherever it occurs, for "in Pakistan" substitute "in any place not forming part of India".

(v) In Explanation II,—for "in Pakistan" substitute "in any place not forming part of India".

(vi) add at the end—

"(c) the property of any person who has done any of the acts specified in sub-clauses (iii), (iv) and (v) of clause (d) of Section 2 and who comes within the definition of sub-clause (ii) of the said clause (d) of Section 2."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 2, omit "(iv)"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 3, omit "before the 7th day of May, 1954".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, after line 3, add—

"(bb) the property of any person after the 18th day of October, 1949 transferred to Pakistan without the previous approval of the Custodian his assets or any part of his assets situated in any part of the territories to which this Act extends or who transfers the same after the 7th day of May, 1954 without the previous approval of the Central Government."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by Shri Ajit Prasad Jain, printed as No. 16 in List No. 9 of amendments—

(i) In the proposed part (b),

(a) omit "and who on the 7th day of May, 1954, was resident in Pakistan:";

(b) omit the Proviso; and

(c) omit Explanations I and II; and

(ii) after the proposed part (b) add

"(c) the property of any person which ought to have been declared evacuee property under this Act."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, for lines 1 to 3, substitute

"(b) the property of any person who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India, and who on the 7th day of May, 1954, was resident in Pakistan:

[Mr. Deputy-Speaker]

Provided further that no notice under section 7 for declaring any property to be evacuee property with reference to clause (b) of the preceding proviso shall be issued after the expiry of six months from the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation I.—A person shall be deemed to have been resident in Pakistan on the 7th day of May 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date.

Explanation II.—A person who had left India for Pakistan before the 7th day of May, 1954, on the authority of a passport or any other valid travel document issued by any competent authority in India, and who was temporarily residing in Pakistan on that date, shall not be deemed to have been resident in Pakistan on that date within the meaning of clause (b) of the first proviso.

Explanation III.—A person who had left Pakistan for India on or after the 18th day of July, 1948, and who was in India on the 7th day of May, 1954, shall, unless he came to India under a valid permit for permanent return or for permanent resettlement, issued under the Influx from Pakistan (Control) Act, 1949, (XXIII of 1949), be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of clause (b) of the first proviso."

The motion was adopted.

Mr. Deputy-Speaker: Now, the first Amendment moved by Pandit Thakur Das Bhargava is barred by the passing of this amendment.

The second amendment moved by Mr. Chatterjee. Is it necessary to put that amendment?

Shri N. C. Chatterjee: I think it is covered.

Mr. Deputy-Speaker: That is also barred.

The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Deputy-Speaker: There are no amendments to clause 4. The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.— (*Amendment of section 16, Act XXXI of 1950*)

Pandit Thakur Das Bhargava: I do not propose to move my amendment, but I want to speak on this clause for half a minute. The only point I want to urge for the attention of the hon. Minister is....

Dr. Rama Rao: How long will this continue?

Mr. Deputy-Speaker: I will continue until this is finished. There is nothing more.

Pandit Thakur Das Bhargava: I very humbly beg to suggest to the hon. Minister that the words.... (*Interruption*).

Mr. Deputy-Speaker: The House will sit till 5.15.

Pandit Thakur Das Bhargava: Only two minutes more. Section 16(1) of the parent Act reads:

"Subject to such rules as may be made in this behalf, the Central Government or any person authorised by it in this behalf may, on application made to it or him by an evacuee or by any person...."

Mr. Deputy-Speaker: Order, order. Hon. Members should not show their

backs to the House except when they are leaving.

Pandit Thakur Das Bhargava: The words are repeated here. I humbly submit to the hon. Minister that these words are only capable of one meaning, that the word "evacuee" only means here evacuee as defined in this Act; no other evacuee can possibly be included. If he thinks that this law requires an amendment, let him bring an amendment, but so far as the words are concerned, I humbly beg to point out that the word "evacuee" can only be interpreted as having been defined in this Act and in no other Act. I would, therefore, submit that if he refers to section 56, the section relating to rule-making powers, he will find that only rules can be made about the circumstances etc. as given in (n) of section 56 not about the persons. The person can only be an evacuee or his heir. No other person can apply under section 16.

Shri A. P. Jain: The phraseology used here is taken from section 16 of the original Act to which certain provisions are being added. I do not think that any trouble will arise.

Mr. Deputy-Speaker: I will put both clause 5 and clause 6, to which also there are no amendments, together.

The question is:

"That clauses 5 and 6 stand part of the Bill".

The motion was adopted.

Clauses 5 and 6 were added to the Bill.

Mr. Deputy-Speaker: Clause 7. Sardar Hukam Singh is absent.

Shri N. C. Chatterjee: Amendment No. 10.

Mr. Deputy-Speaker: I am coming to it. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: I am not moving.

Mr. Deputy-Speaker: Mr. N. C. Chatterjee. Moving?

Shri N. C. Chatterjee: Yes.

I beg to move:

In page 3, for clause 7, substitute

"7. *Amendment of section* 40, *Act* XXXI *of* 1950.—In section 40 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:

'Provided that nothing contained in sub-section (1) shall apply to any exchange of properties *bona fide* effected after the 7th day of may, 1954.' '

Mr. Deputy-Speaker: Does he want to speak on that?

Shri N. C. Chatterjee: I have already spoken.

Mr. Deputy-Speaker: The hon. Minister.

Shri A. P. Jain: I do not accept the amendment.

Mr. Deputy-Speaker: Already spoken and opposed.

The question is:

In page 3, for clause 7, substitute:

"7. *Amendment of section* 40, *Act* XXXI *of* 1950.—In section 40 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:—

'Provided that nothing contained in sub-section (1) shall apply to any exchange of properties *bona fide* effected after the 7th day of May, 1954.' '

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill

Mr. Deputy-Speaker: Clause 8. I find the Government has tabled an amendment to omit clause 8, But

[Mr. Deputy-Speaker]

under the rules the hon. Minister knows that he cannot omit clause 8. He can oppose it.

Shri A. P. Jain: In fact, in view of the amendment which has been accepted to clause 2, this should be ruled out, because that amendment has the same scope as clause 8. But, in any case you can put it to vote, and we will say "No."

Mr. Deputy-Speaker: All right. This is consequential. That is what the hon. Minister says.

Shri N. C. Chatterjee: Out of order.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill".

The motion was negatived.

Clause 8 was omitted from the Bill.

Mr. Deputy-Speaker: Clauses 9 and 10. There are no amendments to clauses 9 and 10.

The question is:

"That clauses 9 and 10 stand part of the Bill".

The motion was adopted.

Clauses 9 and 10 were added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clause 1 stand part of the Bill".

The motion was adopted.

Clause 1 was added to the Bill.

Mr. Deputy-Speaker: The Long Title. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: No, Sir, Now my amendment does not arise.

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Shri A. P. Jain: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Lok Sabha then adjourned till Eleven of the Clock on Monday the 27th September, 1954.